NO. 82-282

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IN THE

Supreme Court of the United States

October Term, 1982

THOMAS C. McCain and WILLIAM SPENCER, individually and on behalf of all those similarly situated,

Appellants,

vs.

CHARLES E. LYBRAND, GENE HUIET, HENRY M. HERLONG, ROY A. HARLING, and W.T. TIMMERMAN, individually and as members of the County Council of Edgefield County; NORMAN DORN, JOHN S. EDWARDS, and Richard A. Beals, individually and as members of the Board of Election Commissioners of Edgefield County, S.C.; and J.M. PENDARVIS, individually and as President of the Executive Committee of the Democratic Party of Edgefield County,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

JOINT APPENDIX

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
(AIKEN DIVISION)

THOMAS C. MCCAIN, ERNEST
WILLIAMS and WILLIAM SPENCER,
individually and on behalf
of all those similarly
situated,

Plaintiffs,

v.

CHARLES E. LYBRAND, GENE
HUIET, HENRY M. HERLONG,
ROY A. HARLING, and W. T.
TIMMERMAN, individually and
as members of the County
Council of Edgefield County;
NORMAN DORN, JOHN S. EDWARDS
and RICHARD A. BEALS, individually and as members of the
Board of Election Commissioners
of Edgefield County, South
Carolina; and J. M. PENDARVIS,
individually and as President
of the Executive Committee of
the Democratic Party of
Edgefield County,

Defendants.

CIVIL NO.
74-281

COMPLAINT

1. The jurisdiction of this court is invoked under 28 U.S.C. §§ 1331 (a), 1343 (3), and (4), and 2201 et seq. This suit is authorized by 42 U.S.C. §1983. This is an action for appropriate equitable relief and a declaratory judgment to prevent deprivation under color of state law, statute, ordinance, regulation, custom or usage of rights, privileges and immunities secured to plaintiffs by the Constitution and laws of the United States. The rights, privileges, and immunities involved herein include the right to unabridged participation in the electoral process and the right to due process and equal protection of the laws secured by the first, thirteenth, fourteenth and fifteenth amendments of the Constitution of the United States, and by 42 U.S.C. §§1971, 1973 and 1983.

2. The matter in controversy exceeds, exclusive of interests and costs, the sum of ten thousand ($10,000) dollars.

PARTIES

3. Plaintiffs Thomas C. McCain, Ernest Williams and William Spencer are adult Negro citizens and residents of Edgefield County, South Carolina and are duly registered to vote in said county and state in accordance with the provisions of §23-62, Code of Laws of South Carolina, 1962, as amended. Plaintiffs desire to have an equal voice with other citizens of Edgefield County. Thomas C. McCain lives in District No. 2 of Edgefield County composed of Trenton, Central and Bacon precincts. Plaintiff Earnest Williams lives in District No. 3 of Edgefield County composed of Edgefield No. 1 and Edgefield No. 2 precincts. Plaintiff William Spencer lives in District No. 1 of

Edgefield County, composed of Johnston No. 1, Johnston No. 2, and Long Branch precincts.

4. The plaintiffs bring this action on their own behalf and on behalf of all others similarly situated and against the defendants individually and in their official capacities pursuant to Rule 23 of the Fed. R. Civ. Proc. Plaintiffs' class includes all Negro citizens of Edgefield County, and all citizens of the parts of Edgefield County lying in Districts No. 1 and 3.

The prerequisites of subsections (a) and (b) (2) of Rule 23 are satisfied. There are common questions of law and fact affecting the several rights of citizens to vote. Additional common questions of law and fact exist affecting the several rights of all plaintiffs to have Negro citizens not be deprived of the right to vote in Edgefield County or be treated differently from other citizens in voting. The members of the class are so numerous as to make it impracticable to bring them all before this court.

The claims of the plaintiffs are typical of the claims of the class. A common relief is sought. The interests of the class are adequately represented by the named plaintiffs. The prosecution of separate actions by individual members of the class would create a risk of: (a) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the parties opposing the class or (b) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests. Furthermore, the parties opposing plaintiffs' class have acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole. The questions of law and fact common to the members of the class predominate over any questions affecting only individual members and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

5. Defendants Charles E. Lybrand, Gene Huiet, Henry M. Herlong, Roy A. Harling, and W.T. Timmerman, are adult citizens and residents of Edgefield County, and are the duly elected and acting members of the Edgefield County Council. They are sued individually and in their official capacities.

Their duties are set out in Act No. 1104, Acts and Joint Resolutions of South Carolina, 1966, An Act To Divide Edgefield County Into Districts For Certain Purposes And to Provide A System of County Government for Edgefield County, at §6 thereof as follows:

> Section 6. Powers and duties.
>
> --In addition to the foregoing and other statutory duties and powers, the council is hereby empowered to legislate in reference to such matters of local concern with Edgefield County as herein provided and shall have the following powers:
>
> 1. To adopt, use and alter a corporate seal.
>
> 2. (a) To acquire by purchase or gift real property in the name of Edgefield County.
>
> (b) To lease, sell or otherwise dispose of real and personal property in the name of Edgefield County, including all such property now owned by the county.
>
> (c) To acquire tangible personal property and supplies,

3. To make contract and to execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by laws, as the board may, in its discretion, elect .

5. To make appropriations and to levy taxes therefor for corporate purposes and educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Edgefield County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Edgefield County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers and for litigation,quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and

sale and all other matters incident to the proper issuance and delivery of the bonds. It shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Edgefield County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds.

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational charitable and eleemosynary institutions.

11, To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities,

12. To prescribe methods of accounting for county and departments.

> 13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for the offices of the sheriff, clerk of court, probate judge, coroner, and superintendent of education shall not be altered.
>
> 14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.
>
> 15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

6. Defendants Norman Dorn, John S. Edwards and Richard B. Beals are adult citizens and residents of Edgefield County and are the duly appointed or elected and acting members

of the Board of Election Commissioners of Edgefield County and are sued individually and in their official capacities. Pursuant to §23-400, Code of Laws of South Carolina, 1962, as amended, they are responsible for conduct of general or special elections in Edgefield County.

7. Defendant J.M. Pendarvis is an adult citizen and resident of Edgefield County and is the President of the Executive Committee of the Democratic Party of Edgefield County. Pursuant to §23-396 _et seq_., Code of Laws of South Carolina, 1962, as amended, the Executive Committee is responsible for conduct of Democratic Party primary elections in Edgefield County. Defendant Pendarvis is sued individually and in his official capacity.

FACTS

8. Act No. 521 of 1971, An Act to Amend Act 1104 of 1966, As Amended, Relating To

A System of County Government For Edgefield County, So As To Increase The Number Of Districts And The Number Of County Council Members, provides as follows:

Be it enacted by the General Assembly of the State of South Carolina:

Section 1. Edgefield County divided into districts.-- Section 1 of Act 1104 of 1966 is amended by striking it out and inserting:

"District No. 1 shall be composed of Johnston No. 1, Johnston No. 2 and Long Branch precincts.

District No. 2 shall be composed of Trenton, Central and Bacon precincts.

District No. 3 shall be composed of Edgefield No. 1 and Edgefield No. 2 precincts.

District No. 4. shall be composed of Merriwether, Colliers, Cleveland and Kendall precincts.

District No. 5 shall be composed of Red Hill, Rock Hill, Moss, Meeting Street and Pleasant Lane precincts."

Section 2. Edgefield Council.-- Section 3 of Act 1104 or 1966, as amended, is further amended by striking it out and inserting:

"Section 3, There is hereby created the Edgefield County Council (council) which shall be composed of five members who shall be elected in each general election to serve for terms of two years and until their successors are elected and qualify. One member with the largest plurality shall be elected by the county at large from each of the five districts of the county. Candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council may employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems advisable. The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. Members of the council shall receive a monthly salary of one hundred twenty five dollars. A chairman shall be elected annually at the first meeting of the council and shall receive an additional

> salary of twenty-five dollars per month. The Edgefield County suprevisor and the county commissioners shall continue to exercise their duties only as to county roads and bridges and under the supervision of the council until the expiration of their terms, at which time the offices of county commissioner and county supervisor for the county shall be abolished."
>
> Section 3. Time effective.--This act shall take effect upon approval by the Governor.
>
> Approved the 25th day of June, 1971.

9. According to the 1970 United States Census of Population, the population of Edgefield County is 15,692 of which number 7,586 are white and 8,104 are black. Were the Edgefield County Council apportioned on the basis of ideal population equality, each of the five county council districts would contain 3,138 people. Plaintiffs allege however that District No. 1 contains 4,367 people or a variance of +39.2% from the ideal district size;[1] District No. 2 contains

---

[1] Variance is calculated by dividing actual by ideal district population.

2,515 people or a variance of -19.8% from ideal district size; District No. 3 contains 4,376 people or a variance of +39.5% from ideal district size; District No. 4 contains 2,332 people or a variance of -25.7% from ideal district size; and District No. 5 contains 2,102 people or a variance of -33.03% from ideal district size.

10. One result of the existing allocation of council seats is that citizens residing in District No. 1 are under-represented by approximately 39.2%, and those residing in District No. 3 are under-represented by 39.5%, thus having their voting power diluted.

11. The several parts of Edgefield County have, according to the 1970 Census, varying proportions of Negro citizens. The Edgefield census county division has 45% Negro citizens; the Edgefield North census county division has 57%; the Edgefield South census

county division has 40%; the Johnston census county division has 53%; the Merriwether census county division has 38%, the Pleasant Lane census county division has 77%, and the Trenton census county division 66%.

12. Another result of the existing allocation of counsel seats, insofar as elections are held at large in Edgefield County rather than in one seat constituencies, is that areas having high concentrations of Negro population are thrown together with areas having low concentrations of Negro population thereby diluting the voting power of Negro citizens and insuring that the council will be exclusively or predominantly white.

13. There has been a history of official racial discrimination in Edgefield County, South Carolina including the right to register to vote.

14. The South Carolina rule requiring a majority vote as a prerequisite to nomina-

tion in primary elections has the effect of diluting the voting strength of plaintiffs and members of their class.

15. Plaintiffs and their class have been unable to elect Negro citizens to state and local offices.

16. No Negro been elected or served as a member of the Edgefield County Council,

17. The dominant political party in Edgefield County has failed to slate blacks for political office.

18. The Edgefield County Council has evidenced a lack of good faith concern for the political and other needs and aspirations of the black community.

19. The dominant political party in Edgefield County has in the past relied upon campaign tactics designed to exclude or dilute black voting strength.

20. Plaintiffs and their class have suffered from and continue to suffer from

the effects of invidious discrimination and treatment in education, employment and economics.

21. Plaintiffs and their class have had less opportunity than white residents of Edgefield County to participate in the political process and to elect representatives of their choice.

22. The next general election for the Edgefield County Council will be in November, 1974, as provided for by §14-1815, Code of Laws of South Carolina, 1962, as amended.

CAUSES OF ACTION

23. The present apportionment of the Edgefield County Council dilutes the relative strength of voters living in Districts No. 1 and 3 to such an extent as to violate the rights of plaintiffs and other voters similarly situated under the first and due process and equal protection

clauses of the fourteenth amendments of the Constitution of the United States.

24. The present apportionment of the Edgefield County Council, including holding elections at large, dilutes the relative strength of the class of black voters in Edgefield County in violation of the rights of plaintiffs and others similarly situated guaranteed by the first, thirteenth, fourteenth and fifteenth amendments of the Constitution of the United States.

25. There is a real and actual controversy between the parties. Plaintiffs have no adequate remedy at law. Plaintiffs are suffering irreparable injury as a result of the apportionment challenged herein and that apportionment will continue unless enjoined by this court.

26. The reapportionment scheme described above is maintained by the individual defendants under color of law of the State

of South Carolina and under color of the defendants' respective offices as officers and agents of the State.

WHEREFORE, plaintiffs respectfully pray:

a) that this court find that the plaintiffs are adequate representatives of their class and allow this cause to proceed as a class action;

b) that this court issue a preliminary injunction to be made permanent later enjoining defendants from holding further elections under the present apportionment of the Edgefield County Council;

c) that this court issue a declaratory judgment that the actions of the defendants in maintaining the present districting of the Edgefield County Council is violative of the rights of plaintiffs and the class they represent secured by the first amendment, the thirteenth amendment, privileges and immunities, equal protection and due process clauses of the fourteenth amendment and the fifteenth amendment of the Constitution of the United States;

d) that this court order the Edgefield County Council to reapportion itself in a manner that complies with the one-man, one vote mandate of the Supreme Court of the United States and which does not have the effect or purpose of diluting the voting strength of Negro citizens of that county;

e) that this court issue such

further relief including costs and attorneys fees as may be just and proper; that this court retain jurisdiction of this cause.

Respectfully submitted,

s/Laughlin McDonald

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

THOMAS C. McCAIN, ERNEST
WILLIAMS AND WILLIAM SPENCER,
individually and on behalf
of all those similarly situated,

Plaintiffs,

vs.

CHARLES E, LYBRAND, GENE
HUIET, HENRY M. HERLONG,
ROY A. HARLING, and W.T.
TIMMERMAN, individually
and as members of the County
Council of Edgefield County;
NORMAN DORN, JOHN S. EDWARDS
and RICHARD A. BEALS, individually and as members of the
Board of Election Commissioners
of Edgefield County, South
Carolina; and J.M. PENDARVIS,
individually and as President
of the Executive Committee of
the Democratic Party of Edgefield County,

Defendants.

ANSWER

The above named Defendants, by their Answer, would respectfully show unto the Court:

1. That the Defendants deny the allegations of Paragraph 1.

2. That the Defendants deny the allegations of Paragraph 2.

3. That the Defendants do not have sufficient information to affirm or deny allegations of Paragraph 3.

4. That the Defendants deny the allegations of Paragraph 4.

5. That the Defendants admit Paragraphs 5 and 6 of the Complaint.

6. That J.M. Pendarvis is the Executive Committeeman of the Democratic Party of Edgefield County, and as such is not a proper party to this action as his duties are in no way connected with, nor does he participate in an official capacity in the governing body of the said County of Edgefield.

7. That the Defendants admit Paragraph 8 of the Complaint.

8. That the Defendants deny all the remaining allegations of the Complaint and demand strict proof thereof. Further answering the Complaint, the Defendants allege that since all members of the County Council of Edgefield County are elected from the County at large, there can be no diluting of the voting strength of the Negro or any other minority group. Further, since there is a larger black population in the County of Edgefield than white, that that part of Act No. 521 of 1971, An Act To Amend Act No. 1104 of 1966, As Amended, Relating To A System Of County Government For Edgefield County, So As To Increase The Number of Districts And The Number Of County Council Members, weighs in favor of the black population.

WHEREFORE, the Defendants having

fully answered the Complaint of the Plaintiffs, pray that the same be dismissed with costs.

CHARLES W. COLEMAN

/s/ Charles W. Coleman
Attorney for Defendants

Edgefield, South Carolina

March 8, 1974

[Certificate of service omitted in printing]

JUDGMENT ON DECISION BY THE COURT

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

CIVIL ACTION FILE NO. 74-281-9

THOMAS C. McCAIN, ERNEST WILLIAMS and WILLIAM SPENCER, Individually and on behalf of all those similary situated ,

Plaintiffs

- vs -

CHARLES E. LYBRAND, GENE HUIET, HENRY M. HERLONG, ROY A HARLING, AND W.T. TIMMERMAN, Individually and as members of the County Council of Edgefield County; NORMAN DORN, JOHN S. EDWARDS and RICHARD A. BEALS, Individually and as members of the Board of Election Commissioners of Edgefield County, South Carolina; and J.M. PENDARVIS, Individually and as President of the Executive Committee of the Democratic Party of Edgefield County,

Defendants

This action came on for hearing before the Court, Honorable Robert F. Chapman, United States District Judge, presiding, and Defendants' Motion for Preliminary Injunction having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the plaintiffs and that the defendants are hereby enjoined from holding any further elections for Edgefield County Council until a new and constitutional method of electing members to County Council has been adopted pursuant to applicable state law.

Dated at Columbia, South Carolina, this Twenty-second (22) day of April, 1980.

MILLER C. FOSTER, JR.
CLERK OF COURT

/S/
Mary Lynn Phipps
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

THOMAS C. McCAIN, ERNEST]
WILLIAMS AND WILLIAM SPENCER,]
individually and on behalf,]
of all those similarly situated,]
]
Plaintiffs,]
]
]
vs.]
]
]
CHARLES E. LYBRAND, GENE]
HUIET, HENRY M. HERLONG,]
ROY A. HARLING, and W.T.]
TIMMERMAN, individually and]
as members of the County]
Council of Edgefield County;]
NORMAN DORN, JOHN S. EDWARDS,]
and RICHARD A. BEALS, individually and as members of the]
Board of Election Commissioners]
of Edgefield County, South]
Carolina; and J.M. PENDARVIS,]
individually and as President]
of the Executive Committee of]
the Democratic Party of Edgefield County,]
]
Defendants.]
]

This action challenges the method by which members of the Edgefield County Council are elected. Plaintiffs are certain black, adult citizens of Edgefield County and allege that the present method of election violates the one man - one vote principle of *Wesberry v. Sanders*, 376 U.S. 1 (1964), and that such system also dilutes the voting strength of the black citizens of Edgefield County in violation of the principles set forth in *Whitcomb v. Chavis*, 403 U.S. 124 (1971), and *White v. Regester*, 412 U.S. 755 (1973).

The defendants are the five members of the Edgefield County Council, the three members of the Edgefield County Board of Election Commissioners and the president of the executive committee of the Edgefield County Democratic Party. Each defendant is sued individually and in his official capacity.

The complaint raises two issues. The

first alleges that the present apportionment of the Edgefield County Council dilutes the relative strength of the voters living in Districts One and Three to such an extent as to violate the rights of plaintiffs, and other voters similarly situated, under the First and Fourteenth Amendments to the Constitution of the United States.

The second claim asserts the present apportionment of Edgefield County Council, including holding elections at-large, dilutes the relative strength of the class of black voters of Edgefield County in violation of their rights and the rights of other blacks similarly situated guaranteed by the First, Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States.

The complaint prays for a declaratory judgment that the Edgefield County plan violates the plaintiffs' constitutional rights; for an injunction prohibiting the defendants from holding further elections under the plan; and for an Order requiring Edgefield County Council to reapportion itself in a constitutional manner.

Defendants deny that the Edgefield County Council is unconstitutionally composed or elected and asks that the complaint be dismissed.

On May 16, 1974, the Court[1] granted a motion for summary judgment by the plaintiffs holding that because of the unequal approportion [sic] of certain of the districts within the county that the one man - one vote principle had been violated. On appeal this matter was heard and decided with Lytle v. Commissioners Election of Union County, 509 F.2d 1049 (4th Cir. 1974).

---

[1] Honorable Sol Blatt, Jr.

The Circuit Court found that the Edgefield County plan did not have such a variance or disparity in population among the districts as to require the deletion on constitutional grounds of the resident requirements imposed by the statute. Page 1054. Just prior to the trial of this cause this Court granted defendants' motion for summary judgmeny based upon the finding of the Appellate Court which states:

> We are of the opinion that the Edgefield County plan, as presently provided by statute, represents a proper balancing of interest and without such population variances among the districts as to require the deletion on constitutional grounds of the residence requirements imposed by the statute under attack. There is not the wide disparity in population among the districts as was the case in Union County. It is not obvious that a minority, either in numbers or in territorial or economical interest,

> can dominate the Board. The several districts are of sufficient size and numbers that a residence requirement does not appear to be an irrational method of achieving a form of county government, elected by all voters of the county but, through its residence requirement, assuming some attention to territorial interest. We conclude, therefore, that the District Court was in error in invalidating the statutory election procedure for the members of the Edgefield County Board. 509 F.2d at 1054

The issue remaining is whether the apportionment of the Edgefield County Council, which includes at-large election of the council members and requires that each of the five members of council reside in a separate residency district, dilutes the voting strength of the black citizens of Edgefield County in violation of their constitutional right.

After extensive pretrial discovery this matter was tried before the Court on November 24 and 25, 1975. Thereafter extensive briefs and proposed findings of fact and conclusions of law were submitted by the parties. The matter was then delayed a long time because the Court was advised the South Carolina Legislature would adopt a new plan for Edgefield County. After considering the testimony and over 100 exhibits, as well as studying the applicable law, the Court makes the following findings of fact and conclusions of law in accordance with Rule 52 of the Federal Rules of Civil Procedure.

FINDINGS OF FACT

1. That the plaintiffs are black citizens of Edgefield County, South Carolina.

They are duly registered to vote in that county. Plaintiff McCain lives in District Two of Edgefield County, plaintiff Williams lives in District Three and plaintiff Spencer lives in District One.

2. That the defendants Charles E. Lybrand, Gene Huiet, Henry M. Herlong, Roy A. Harling, and W.T. Timmerman are or were at the time this action was commenced the duly elected and acting members of the County Council of Edgefield.

3. That Norman Dorn, John S. Edwards and Richard A. Beals are or were at the time this action was commenced the acting members of the Board of Election Commissioners of Edgefield County.

4. That J.M. Pendarvis is or was at the time this action was commenced the President of the Executive Committee of the Democratic Party of Edgefield County.

5. That prior to 1966 the county government of Edgefield County consisted of a Board of County Commissioners which was composed of a county supervisor, elected at-large in the county, and two commissioners, who were appointed by the governor upon recommendation of the County Legislative Delegation. These two commissioners ran at large for the office and the winners were recommended by the County Delegation to the Governor for appointment. The supervisor had general jurisdiction in the county over roads, bridges, ferries and paupers and in matters relating to taxes, disbursement of public funds for county purposes and in other matters necessary for the internal improvement and local concerns of the county. This County Board of Commissioners did not have power to tax, incur bonded indebtedness, or appoint members of county boards, commissions

and agencies or the right of eminent domain nor the right to prescribe procedures for budgeting and accounting. These aforementioned powers belong to the local legislative delegation which at that time consisted of one senator and one or more members of the House of Representatives, all of whom were residents of Edgefield County. These elected officials exercised their powers through the enactment of local bills in the General Assembly.

6. Prior to 1966, the state senator from Edgefield County and the members of the House of Representatives were elected at-large by the voters of Edgefield County. In that year O'Shields v. McNair, 254 F.Supp. 708 (D.C.S.C. 1966) required the reapportionment of the State Senate and it became obvious that Edgefield County with such a small population would probably lose its

resident senator. Therefore, on June 1, 1966 Act No. 1,104 of 1966 was passed creating Edgefield County Council, which had three members and was elected from the county at-large from each of three residency districts set forth in the Act. Section 4 of the Act vested in Council the power to recommend appointments with the approval of the Edgefield County members of the House of Representatives and the powers of Council were set forth and included the rights: to exercise the powers of eminent domain; to make apportionments and levy taxes, to incur indebtedness, to issue bonds, to order the levy and execution of ad valorem taxes; to prescribe methods for accounting for county offices and departments and supervise and regulate the various departments of the county.

7. By Act No. 521 of 1971 the number

of members of county council was increased to five and the residency districts were also increased from three to five.[2]

8. Prior to 1966 county governments in South Carolina had been controlled by the members of the General Assembly and particularly the state senator. Since local acts, "known as Supply Bills" were required to be passed each year to levy taxes and appropriate monies for the operation of the counties, and since these bills required passage by both the House of Representatives and the State Senate, the senator exercised great control (actually a veto) over the operation of his county. The purpose of Act 1104 of 1966 was to create a strong county government with proper representation from the urban and rural areas. By requiring the candidates for

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[2] These five members are elected for four-year terms at staggered two-year intervals.

county council to run at-large rather that in single member districts, it was hoped that council members would be responsive to all voters in the county and reduce factionalism or sectionalism. By requiring the candidates to reside in a certain district, one area of the county could not dominate council membership. The at-large feature of the election process was in keeping with the prior election plan for county commissioners and almost all other county officers in South Carolina.

8. The increase in membership from three to five passed in 1971 was made as an effort to provide wider representation on council and to provide rural areas with a greater voice in county government.

9. There was no evidence that either Act 1104 creating county council or Act 521 expanding its membership were enacted for the purpose of diluting black voting strength. But this does not mean that they do not have the effect. The residence

districts established by both 1104 and 521 are based upon voting precinct lines of long standing and which anti-date the creation of county council.

10. The South Carolina Attorney General submitted to the Attorney General of the United States the changes made under Act No 521. After review pursuant to Section 5 of the Voting Rights Act of 1965 the Attorney General of the United States on November 24, 1971 informed South Carolina Attorney General that he interposed no objection to the implementation of Act No. 521.

11. At the time of the Attorney General's letter (November 24, 1971) South Carolina had a "full slate" voting law. (§23-357 S.C. Code 1962). This is no longer the law[3] of South

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[3] This change resulted from a black challenge in Stevenson v. West, C.A. 72-45 (D.S.C. unreported case 4/7/72). S.C. Republicans had failed in their suit eight years earlier. Boineau v. Thornton, 235 F.Supp. 175 (D.S.C. 1964), aff'd 379 U.S. 15 (1964).

Carolina and minorities, both of race and of party, can increase their effective voting strength by "single-shot" voting, rather than being required to vote for candidates equal in number to the offices to be filled.

12. As of the 1970 census Edgefield County's population was 8,104 black and 7,586 white. The total voting age population was 9,364, of which 4,167 or 44.5% were black and 5,195 or 55.5% were white. Although blacks make up 51.6% of the population, they comprise only 44.5% of the voting age population obviously due to the age structure of the black and white populations of the county.

13. As of July 31, 1975 there were 5,685 registered voters in Edgefield County, 2,254 being black and 3,429 white. Therefore, the black citizens comprise 51.6% of the total population, 44.5% of the voting age population and 39.6%

of the registered voters. For whites these figures are 48.3%, 55.5% and 60.3% respectively. These figures reflect that 54% of the black voting population of the county is currently registered to vote.

14. Of the five council districts[4] in Edgefield County two contain a majority of black registered voters. In District Two blacks make up 61.8% of the total registered voters and 52.3% in District Five. The black percentage in Districts One, Three and Four are 30.8%, 36% and 18% respectively.

15. Of the 46 counties in South Carolina, Edgefield ranks 37th in size with

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[4] The residence districts follow precinct lines, as follows

District 1: Johnston I, Johnston II, Long Branch
District 2: Trenton, Central, Bacon
District 3: Edgefield I, Edgefield II
District 4: Merriweather, Colliers, Cleveland, Kendall
District 5: Red Hill, Rock Hill, Moss, Meeting Street, Pleasant Lane

482 square miles. According to the 1970 census Edgefield County is 41st in total population and 37th in population per square mile with 32.6 persons per square mile. The rural population is 10,390 or 66.2% and the urban population is 5,302. The rural population is 54.3% black and a majority of these persons are located in the northern and eastern parts of the county.

16. Black citizens of Edgefield County now register to vote on an equal basis with whites. As was true in many other areas of the south, it was quite difficult, and often impossible, to register to vote until approximately 30 years ago. At the time of the passage of the Voting Rights Act in 1965 less than 20% of the voting age blacks of Edgefield County

were registered,[5]

17. The Democratic Party has always dominated government in Edgefield County. Until the past 15 years the primary of this party was the only meaningful election anywhere in the state. Blacks were excluded from participation in the Democratic primaries until Elmore v. Rice, 72 F.Supp. 516 (E.D.S.C. 1947) aff'd, 165 F.2d 387 (4th Cir. 1948). But even after this landmark decision blacks in Edgefield County found it very difficult to register and threats were made against some blacks who did register.

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[5]

	W	B
VAP	4,103	3,764
Registration	3,950	650
%	96.3%	17.3%

[United States Commission on Civil Rights, Political Participation 252-53 (1968)]

18. No black has ever received a Democratic nomination or been elected to public office in a contested election in Edgefield.[6]

19. Blacks now participate in the affairs of the Democratic Party and this participation has grown in recent years. Blacks have participated within the organization of the Democratic Party and in the selection of its officials. They have also participated in organizing the precincts. At the 1974 County Convention for the Democratic Party approximately one-third of those in attendance were black. Of the 15 delegates elected by the County Convention to the State Convention of the Democratic Party, four were black. The Edgefield Democratic Party has a black vice-chairman and the alternate committeeman to the State Executive Committee is also a black.

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[6] A black was appointed to a vacancy on the County School Board and has been unopposed in subsequent elections.

20. Until 1970, no black had ever served as a precinct election official, and since that year the number of blacks appointed to serve has been negligible, although the percentage of registered voters who were black ranged from 33% in 1970 to 40% in 1974. The figures, arranged separately for primaries, general elections and a school board election, are as follows:

Primaries	#W	#B	%B
1970	68	4	5.5%
1972	69	4	5.4%
1974	55	9	10.8%
All primaries	192	17	8.1%
General Elections			
1970	87	7	7.4%
1971	50	1	1.9%
1972	86	13	13,2%
1974	58	12	17.1%
All General Elections	281	33	15.4%
School Board Election			
1974	34	4	10.5%
Total (all elections)	507	54	9.6%

Elections conducted in 1970-1974 are as follows:

1970: School Board, Primary, General
1971: Special General
1972: Primary, General
1974: School Board, Primary (including runoff), General

By analyzing these elections, it was possible to get a clear picture of how elections take place in Edgefield County. The Court's overall finding is that blacks were virtually totally excluded up to 1970, and that since that time they have progressed to minimal tokenism.

21. The race of those appointed to serve as precinct election officials has traditionally been regarded as an important barometer of the degree of minority participation in the voting process. In Edgefield County, precinct workers are appointed not by precinct officials but by county officials -- the County Democratic

Executive Committee for primary workers, and the County Election Commission for general election workers, Evidence concerning the past few years' elections in Edgefield County showed exclusion of blacks (by officials exercising state action) in a critical part of the election process.

22. Of the 17 precincts in Edgefield County, fully 8 have never had a black person serve at the polls, at any of the eight elections conducted since 1970, primary, general, or school board. These precincts are shown below, with the total number of white officials who have served during this period:

	W	B
Bacon	27	0
Central	27	0
Cleveland	28	0
Colliers	30	0
Kendall	30	0
Long Branch	27	0
Moss	26	0
Red Hill	30	0

23. Even among precincts whose voters are predominately black, county officials and county Democratic Party officials have refused to appoint any significant number of black precinct workers. The number of precinct workers, by race, for all elections since 1970 is shown below for the 5 precincts which are majority black:

	% B. Reg.	#W	#B	% B
Johnson I	(51%)	38	5	11.6%
Meeting St.	(55%)	28	1	3.4%
Pleasant Lane	(68%)	24	2	7.6%
Rock Hill	(80%)	28	1	3.4%
Trenton	(66%)	35	10*[7]	22.2%
Total		153	19	11.5%

24. The evidence also showed that in

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[7] Five of the 10 black workers appointed at Trenton (McCain's precinct) have come in the two elections since black voters captured control of the precinct during the 1974 precinct organization meeting. Even in both those elections, a majority of the workers appointed were white.

each election certain officials are given greater responsibility [Edwards testimony] and work and are paid for more than one day. Records for the 1971 and 1974 elections showed 4 whites and no blacks in these positions. (During the 1972 election some precincts worked all workers for two days, but here again 22 whites worked more than the minimum number of days, compared to 0 blacks.)

25. Evidence was also presented concerning the race of the precinct Democratic Committee members. The number of such precinct officials, by race, for 1970 and 1974, is shown below:

	W	B	% B
1970 (12 precincts reported)	34	1	2.8%
1974 (17 precincts)	43	4	8.5%
Total	77	5	6.1%

26. The evidence established that voters in Edgefield County, when confronted

with a race between black and white candidates, vote along racial lines. This behavior pattern is very clear as to white voters, many of whom will not vote for a black candidate. This fact is evident both from a visual examination of election results and from the statistical analysis of those results done by plaintiffs' expert witness, Dr. John Suich.

27. Four black candidates have run for office in Edgefield County, 1970-74, two for school board in 1970 (Lanham and Senior), one for County Council in 1974 (McCain), and one for South Carolina House of Representatives in 1974 (Brightharp). One of these candidates, Brightharp, also was in a runoff.

28. Examination of the election results shows an extraordinarily high correlation in every election between the votes received by a black candidate and

the racial composition of the precinct, This is true for all precincts, but is especially clear in the precincts which are virtually all white. In these precincts, in each election, the votes cast for black candidates ranged from zero to just a handful:

1970 School Board Election

	1970 % B Reg.	W	B	W	B
Colliers	8%	66	2	68	0
Long Branch	10%	30	5	30	5
Red Hill	1%	92	0	92	0

	1974 %	(House)		(County Council)	
	B Reg.	W	B	W	B
Cleveland	5%	45	0	37	4

(House Runoff)

W	B
49	4

Colliers	1974 %	(House)		(County Council)	
	B Reg.	W	B	W	B
	4%	81	2	78	6

(House Runoff)

W	B
87	4

	1974 %	(House)		(County Council)	
	B Reg,	W	B	W	B
Long Branch	12%	45	3	43	7
		(House Runoff)			
		W	B		
		51	5		
Red Hill	1974% B Reg.	W	B	W	B
	1%	66	0	53	9
		(House Runoff)			
		W	B		
		67	5		

29. The Edgefield County pattern of racial bloc voting was confirmed by plaintiffs' expert witness, Dr. John Suich, who testified that the statistical correlation between the race of the voter and the race of the candidate was extraordinarily high, in the range of 0.90 (on a scale of -1.00 to +1.00) for each election in which a black candidate has run. Dr. Suich testified that the correlation was not just statistically significant but overwhelming, and the Court

agrees. The correlation between race and voting pattern went up, not down, from 1970 to 1974.

30. The testimony also showed that in both 1970 and 1974, each of the two black candidates received almost identical numbers of votes in each precinct. This was true for each precinct, but again was especially marked for those precincts which are virtually all white. In 1970, for example, the two black candidates lost to the two white candidates by identical votes in the precincts of Central (43-6), Cleveland (51-1). Kendall (66-18), Long Branch (30-5), and Red Hill (92-0). In six more precincts, the difference between the two blacks (and, correspondingly, between the two whites) was three votes or less. In 1974, the two black candidates lost in Central by identical votes of 35-14, and the votes in eight other precincts varied

by eight votes or less,

31. The nearly identical votes cast for the two black candidates in 1974 were the more striking because of the evidence about the differences between them, T,C, McCain has long been known as an "activist" and has been engaged in many controversies with county officials. George Brightharp has not been engaged in controversial issues and has had a relatively close relationship with county officials and other white people. The evidence shows that these differences were wholly outweighed by the one common characteristic shared by McCain and Brightharp -- their race.

32. The testimony of plaintiffs' witness Brightharp and defendants' witness H, Sam Crouch shows that blacks do not have equal access to the election process and the present system dilutes their strength, Brightharp testified that he had decided to

run for office in the hope that voters would decide on the basis of issues or the merits of the candidates and in the hope that racial politics was a thing of the past. After analyzing the election and the returns, he concluded, sadly, that racial politics is ever present in Edgefield County, and that because of it, blacks are not able to participate fairly as Edgefield County voters.

Mr. Crouch, Secretary of the Edgefield County Democratic Party, testified that blacks do not paritcipate as equals in the electoral process of Edgefield County, and that the present system is the legacy of a long history of racial segregation. He said that there has been some improvement but it must come slowly, and indicated that no greater speed would be possible voluntarily -- that it would take a court order .

33. Juries. Blacks were historically excluded from jury service in Edgefield County. As late as 1968 and 1970, the grand jury had no blacks at all, while the trial jury venires in those years had few blacks. It was not until suit was brought in 1971 that the jury list was reconstituted to include blacks fairly. Bright v. Thurmond CA No. 71-459 (D.S.C. 1971).

34. Chain Gang. The Edgefield County Council historically kept the county chain gang segregated by race, until a suit was brought in 1971. Carracter v. Morgan, CA No. 71-314 (D.S.C. Nov. 17, 1971); 491 F.2d 458 (4th Cir. 1973).

35. Blacks have been excluded from county employment by the County Council, even up to the present. No current black employee began service before 1971. Until the very eve of the trial in this case, black employment was negligible. It was

only when trial was about to begin that the County suddenly began hiring blacks in any numbers.

	W	B
As of 9/1/75	33	4
From 9/1/75 to 11/12/75	8	11

In addition, blacks are heavily concentrated at the lower wage levels. Of the last minute hires, none of the 11 blacks earns more than $5,460, while none of the 6 white males earns less than that figure. (Two white females earn less than $5,460. For all county full-time employees, the salary levels are as follows:

	WM	WF	BM	MF
Less than $5,460	0	7	1	4
$5,460	2	0	7	0
More than $5,460	22	6	2	0

36. Blacks have been excluded by the County Council in appointments to county boards and commission. The date of trial membership of boards and commissions appointed

by the County Council is as follows:

	W	B
Fire Study Committee	7	0
Human Relations Committee	10	9
Emergency Ambulance Service Board	3	0
Airport Commission	3	0
Planning Board	7	2
Tech District	1	0
Board of Tax Assessors	5	0
Tax Board of Appeals	3	0
Center for Mental Health Services	1	0
Health Professional Scholarship Board	5	0
Registration Board	3	2
Mini-Bottle Commission	6	1
Alcohol & Drug Abuse Commission	6	1
Hospital Board	7	0
Water & Sewer Authority Board	4	1
Migrant Health Program	9	0
Department of Social Services	3	2
Upper Savannah Regional Planning Board	3	1
Senior Citizens Council	9	6
Total	95	25
Total excluding Human Relations Commission and Senior Citizens Council	76	10

37. The Human Relations Committee

was described by two witnesses, T.C. McCain and Willie Bright. McCain testified that he had been instrumental in persuading the County Council to create such a committee, and that the Council had set a condition that there be a white majority and white chairman. Bright a member of the Committee, confirmed McCain's account of the Committee's origin, and testified that after a few meetings, the chairman (white) resigned, and was replaced by another white. After one more meeting, the new chairman never called another, and the Committee had become defunct. When asked on cross-examination why the black members had not called a meeting themselves, Bright testified that the lifelong traditions of Edgefield County and the conditions under which the Committee had been set up did not allow for any such exception to white dominance.

38. The public schools of Edgefield County were historically segregated by race.

School officials' first response to the ban on school segregation did not come until well after the 1954 Brown v. Board decision, and was a "freedom of choice" plan which resulted in fewer than 3% of the black students attending school with white students. It was not until September 1970 that any appreciable amount of desegregation took place, under a plan finally approved by the U.S. Department of HEW. After formal desegregation began to take place there was an effort by school trustees to maintain the racially discriminatory character of the schools. Under the school board's 1970 plan, Strom Thurmond High, the formerly white school, was designated the high school for all students. It kept "Confederate Rebel," and "Dixie" as the school nickname and school song, and kept the use of the Confederate Flag as the school symbol at athletic and other events.

Black citizens complained that Strom Thurmond High was being maintained as an essentially segregated school, and that the school symbols were badges of slavery, white racism and were degrading indicia of second-class citizenship for blacks. The school board promptly resolved that "the existing traditions now in force in all schools of the system will continue," and secured an ex parte injuntion against blacks' gathering or demonstrating against the school policies. Blacks affected by the injunction were never able to obtain a hearing on their motion to dissolve the ex parte injunction, which led this Court to vacate it. McCain v. Abel, CA No. 70-1057 (D.S.C. 1973).

39. Blacks in Edgefield County have a much lower socio-economic status than do whites. Blacks as a group have smaller incomes, less education and fewer employment opportunities.

CONCLUSIONS OF LAW

1. The Court has jurisdiction pursuant to 28 U.S.C. 1331 (a), 1331(3) and (4) and 2201. Also pursuant to Rule 23 of the Federal Rules of Civil Procedure the Court has the power to consider an act upon application for establishing a class action.

2. The Court finds that the necessary requirements of Rule 23 have been met for the maintenance of the class action since the class is so numerous that the joinder of all members is impractical, there are questions of law and fact common to the class, claims or defenses of the representative parties are typical of the claims or defenses of the class and representative parties will fairly and adequately protect the interest of the class. The class is composed of all black citizens who are residents of Edgefield County, South Carolina.

3. This action is brought for declaratory and injunctive relief alleging deprivation under color of law, statute, ordinance, regulation, custom or usage of certain rights and privileges secured to the plaintiffs by the Constitution and laws of the United States and such suits is authorized by 42 U.S.C. §1983. The plaintiffs claim constitutional deprivation of rights secured by the First, Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution of the United States.

4. Since the plaintiffs have made a constitutional attack on the form of government now in use in Edgefield County, South Carolina and the method of electing the members of County Council and the residential requirements of these members, the plaintiffs have the burden of proof and must establish their claim by the greater weight or preponderance of the evidence

in establishing that the political processes leading to the nomination and election of candidates to County Council are not equally open to participation by blacks and that members of the class have less opportunity than do white residents of the county to participate in the political process and to elect representatives of their choice. White v. Regester, 402 U.S. 755 (1973). White also holds that it is not enough that plaintiff show that a racial group allegedly discriminated against has not had legislative seats in proportion to its voting potential. It must prove that the election process is not equally open to participation by the minority group. This is being proved in the present case.

5. The Supreme Court in White v. Regester, identified several factors indicative of denial of access to political process. Among these are:

a. A history of official racial discrimination which touched the right of the minority to register and vote and participate in the democratic process;

b. An historical pattern of a disproportionately low number of the groups' members being elected to the legislative body.

c. A lack of responsiveness on the part of elected officials to the needs of a minority community;

d. A depressed socio-economic status which makes participation in community processes difficult;

e. Election rules or party rules requiring majority vote as a prerequisite to nomination.

Other indicia were added by the Fifth Circuit in Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973). These include:

a. Poll taxes

b, Literacy test

c, Property ownership requirements for running for office

d, Disproportionate education, employment, income levels and living conditions;

e, Bloc voting - polarized voting by race

f, Segregation principles adopted by political parties;

g. Requirement for majority vote to be elected;

h. Prohibition against single-shot voting;

i. Systematic exclusion from juries, and

j. Levy of taxes to maintain a dual school system.

While many of these restrictions have been removed i.e. single-shot voting now allowed, no poll tax, no literacy test, unified school system, jury selection open to all registered voters, there is still a long history of racial discrimination in all areas of life, There is bloc voting by the whites on a scale that this Court has never before observed and all advances made by the blacks have been under some type of court order.

Participation in the election process does not mean simply the elimination of legal, formal or official barriers to black participation. The standard is whether the election system as it operates in Edgefield County tends to make it more difficult for blacks to participate with full effectiveness in the election process and to have their votes fully effective and equal to those of whites. Black voters have no right to elect any particular candidate or number of candidates, but the law requires that black voters and black candidates have a fair chance of being successful in elections, and the record in this case definitely supports the proposition and finding that they do not have this chance in Edgefield County.

If black candidates lose in the normal give-and-take of the political arena, then the courts may not interfere. And under no theory of the law can a court direct a white to vote for a black or a black to vote for a white. However, if there is proof, and there is ample proof in this case, that the black candidates tend to lose not on their merits but solely because of their race, then the courts can only find that the black voting strength has been diluted under the system and declare the same unconstitutional.

Black participation in Edgefield County has been merely tokenism, and even this has been on a very small scale.

Black workers at the polling places are appointed by the white controlled democratic party and blacks have been poorly represented even in predominately black precincts as the above findings of fact reflect.

There can be no other explanation for the amazing votes reflected in Findings of Fact 28-30 except that whites absolutely refust to vote for a black.

The County Council has not been responsive to the needs of black citizens, even though they make up a majority of the population of the county. The small number of blacks employed by the county, their pay scale, the small number of blacks appointed to various county committees and the nature, duties and responsibilities of these committees are stark proof of official neglect and unconcern on the part of the Edgefield County Council. There are 120 positions on various boards and commissions appointed by the present County Council. Of these 25 are held by blacks, with 9 of the positions being on the now non-existent human relations committee and 6 of the remaining 16 being on the senior citizens council. Of the 19 different boards and commissions blacks serve on only 9.

No black has been elected to County Council, the state legislature or any countywide office. The black serving on the school board obviously serves as a token and at the pleasure of the white power structure.

Normally the majority vote requirement and run-off elections to insure a majority do not dilute black voting strength, but in combination with all the other evidences of discrimination, bloc voting and disregard for needs of black citizens the majority vote requirement, run-off elections and even staggered terms of the members of council tend to dilute the voting strength of the blacks.

The present at-large voting plan is aggravated by the fact that there is only one party politics in Edgefield County, because there is no competition between parties and no need for the existing party to seek black support.

All these factors when coupled with the strong history and tradition of official segregation and discrimination draws the Court to the inevitable conclusion that the rights of the blacks to due process and equal protection of the laws in connection with their voting rights have been and continue to be constitutionally infringed and the present system must be changed.

IT IS, THEREFORE, ORDERED that judgement be entered in favor of the plaintiffs and that the defendants are hereby enjoined from holding any further elections for Edgefield County Council until a new and constitutional method of electing members to County Council has been adopted pursuant to applicable state law.

IT IS FURTHER ORDERED that the Court shall maintain jurisdiction of this case during the interim and while the plan is being adopted in accordance with the provisions hereof.

AND IT IS SO ORDERED.

/S/
ROBERT F. CHAPMAN
UNITED STATES DISTRICT JUDGE

April 17, 1980

Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

THOMAS C. McCAIN, ET AL.,	]	
	]	
Plaintiffs,	]	
	]	CIVIL ACTION
v.	]	NO. 74-281
	]	
CHARLES E. LYBRAND, ET AL.,	]	
	]	
Defendants.	]	

MOTION FOR LEAVE TO FILE ATTACHED SUPPLEMENTAL COMPLAINT

Plaintiffs by counsel move the Court for the entry of an order pursuant to Rule 15(d), F.R. Civ.P., permitting them to file a supplemental complaint, a copy of which is attached hereto as Exhibit A, setting forth certain events that have occurred since the filing of the original complaint.

ATTORNEYS FOR PLAINTIFFS	**Respectfully submitted,**
/S/	**/S/**
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[Certificate of Service Omitted in Printing]	**Atlanta, GA 30303**
	404-523-2721

IN THE UNITED STATES DISTRICT COURT
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	]	
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	]	
Defendants.	]	

SUPPLEMENTAL COMPLAINT

Plaintiffs, with leave of Court, file this supplement to their Complaint and make the following additional allegations:

1. This suit is authorized by 42 U.S.C. §1973c (Section 5 of the Voting Rights Act of 1965). A court of three judges constituted in accordance with the provisions of 28 U.S.C. §2284 is required by 42 U.S.C. §1973c for determination of Plaintiffs' cause of action involving Defendants' failure to comply with §1973c.

2. The Edgefield County Council is a political subdivision to which the prohibitions of the Voting Rights Act of 1965, 42 U.S.C. §1973b(a), are in effect pursuant to the certification of the Attorney General of the United States under 42 U.S.C, §1973b(b).

3. The Defendants have the authority and duty to submit pursuant to 42 U.S.C. §1973c, §5 of the Act, "any voting qualification or prerequisite to voting, or standard, practice, or procedure different from that in force or effect on November 1, 1964" to the Attorney General of the United States, or to institute an action on behalf of Edgefield in the United States District Court for the District of Columbia for a declaratory judgment that any such qualification or prerequisite to voting, or standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

4. On April 21, 1980, the County Council adopted a resolution to established single-member districts for election of the Council.

5. The Defendants, upon information and belief, in July, 1980, rescinded or repudiated the April 21, 1980 resolution, and intend to hold all future elections for the Edgefield County Council at-large rather than from single-member districts pursuant to the April resolution.

6. The July, 1980 action of the Defendants constitutes a "standard, practice or procedure with respect to voting different from that in force or effect on November 1, 1964" within the meaning of §5, and is ineffective as law until pre-cleared.

7. The Defendants have failed to pre-clear the July, 1980 action pursuant to §5 in violation of the rights of Plaintiffs.

Third Cause of Action

8. The actions of Defendants in preparing to hold elections for the County Council at-large in violation of §5 deprives Plaintiffs of rights secured by the First, Thirteenth, due process and equal protection clauses of the Fourteenth and the Fifteenth Amendments of the Constitution of the United States and 42 U.S.C. §§1971 (a) (1), 1973, 1973c and 1983.

WHEREFORE, Plaintiffs respectfully pray that:

(a) This Court cause to be convened a district court of three judges to hear Plaintiffs' third cause of action as required by 28 U.S.C. §2284 and 42 U.S.C. §1973c;

(b) The court of three judges declare the rights of the parties and enjoin the holding of elections for the Edgefield

County Council at-large;

(c) The Court as a single judge court do the following:

[1] Issue a preliminary injunction to be made permanent later enjoining the Defendants from holding at-large elections under the present apportionment of the Edgefield County Council;

[2] Issue a declaratory judgment that the actions of the Defendants in maintaining the present districting for the County Council is violative of the rights of Plaintiffs secured by the First, Thirteenth, privileges and immunities, equal protection, and due process clauses of the Fourteenth and Fifteenth Amendments of the Constitution of the United States and 42 U.S.C. §§1971(a)(1), 1973, and 1973c and 1983;

[3] Order the County Council to reapportion itself utilizing voting districts in a manner that complies with

the one person-one vote mandate of the Supreme Court of the United States and which does not have the effect or purpose of diluting the voting strength of black citizens;

[4] Submit such reapportionment plan to the Attorney General of the United States as required by 42 U.S.C. §1973c;

[5] Order that all members of the County Council be elected at a special election to be held in Edgefield County as soon as practicable;

(d) This Court grant Plaintiffs their costs and reasonable attorneys' fees, and issue such further relief as may be just and proper; and

(e) Retain jurisdiction of this cause.

/S/
ARMAND DERFNER
P.O. Box 608
Charleston, SC
29402

ATTORNEYS FOR
PLAINTIFFS

/S/
LAUGHLIN McDONALD
NEIL BRADLEY
CHRISTOPHER COATES
52 Fairlie Street, NW
Atlanta, Georgia 30303
[404] 523-2721

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

Thomas C. McCain, et al.,)
)
Plaintiff,)
)
vs)Civil Action
)No. 74-281
Charles E. Lybrand, et al,)
) O R D E R
Defendant.)

This matter is before the Court as a result of a motion filed by defendant pursuant to Rules 59(e) and 60(b) asking the Court to alter, amend, or vacate its Order and Judgment entered April 17, 1980, and April 22, 1980, respectively. This Court's Order of April 17 invalidated and declared unconstitutional the method by which members of the Edgefield County Council are elected and the judgment enjoined the defendants from holding any elections pursuant to the present plan.

The present motion to alter, amend

or vacate is made upon the authority of a decision of the United States Supreme Court issued April 22, 1980, City of Mobile, Alabama v. Bolden, et al ____U. S. ____, No. 77-1844, decided April 22, 1980. The Mobile case decided that an action by the State that is racially neutral on its face violates the Fifteenth Amendment only if motivated by discriminatory purpose. The Court went on to hold that to prove such discriminatory purpose it is not enough to show that a minority group has not elected representatives in proportion to its number, but must prove that the disputed plan was "conceived or operated as a purposeful device to further racial discrimination."

In this Court's Order of April 17, 1980 it relied heavily upon the standard set forth by the Fifth Circuit in Zimmer v. McKeithen, 485 F.2d 1297. In Mobile the Court referring to Zimmer stated:

> That case, coming before Washington v. Davis, 426 U.S. 229, was quite evidently decided upon the misunderstanding that it is not necessary to show a discriminatory purpose in order to prove a violation of the Equal Protection Clause - that proof of a discriminatory effect was sufficient.

The Mobile court pointed out that there had been a finding in the Mobile case that no Negro had ever been elected to City Commission because of the pervasiveness of racially polarized voting, and the trial court further found that city officials had not been as responsive to the interest of Negroes as to whites and concluded that the political processes in Mobile were not equally open to blacks, even though they registered and voted without an appearance [sic]. The Court further found that a proof of an "aggregate" of the Zimmer factors does not prove discriminatory intent or unconstitutional discriminatory purpose.

As to past discrimination the Court stated:

> But past discrimination cannot, in the manner of originial sin, condemn governmental action that is not itself unlawful. The ultimate question remains whether a discriminatory intent has been proved in a given case.

As to the at-large electoral system and the majority vote requirement, the Court stated:

> But those features of that electoral system, such as the majority vote requirement, tend naturally to disadvantage any voting minority, as we noted in White v. Regester, supra. They are far from proof that the at-large electoral scheme represents purposeful discrimination against Negro voters.

A careful reading of Mobile and a reconsideration of the evidence in the present Edgefield County case convinced the Court that the plaintiffs have not proved that the voting plan for election of members of County Council in Edgefield County was either conceived or is operated as a purposeful device to further racial discrimination nor was it intended to invidiously discriminate against blacks in violation of the Equal Protection Clause. Therefore, the Court's Order entered April 17, 1980 and the judgment entered thereon entered April 22, 1980 must be vacated. Since circumstances have changed since the evidence was originally taken in this case the parties may wish to submit additional evidence on the point that is now the crux of the case-whether the at-large system was conceived or operated as a purposeful device to further racial discrimination.

The Court will allow additional evidence to be submitted on this point and schedules the matter for a further hearing and the taking of any necessary testimony on Thursday, September 4, 1980 at 10:00 a.m. in the Federal Courthouse in Columbia, South Carolina.

AND IT IS SO ORDERED.

S/
ROBERT F. CHAPMAN
United States District
Judge

August 8th, 1980

Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

THOMAS C. McCAIN, ET AL.,]
]
Plaintiffs,]
]
v.]CIVIL ACTION
]NO. 74-281
CHARLES E. LYBRAND, ET AL.,]
]
Defendants.]

SECOND SUPPLEMENTAL COMPLAINT

Plaintiffs, with leave of Court, file this supplement to their Complaint and make the following additional allegations:

1. This suit is authorized by 42 U.S.C. §1973c (Section 5 of the Voting Rights Act of 1965). A court of three judges constituted in accordance with the provisions of 28 U.S.C. §2284 is required by 42 U.S.C. §1973c for determination of Plaintiffs' cause of action involving Defendants' failure to comply with §1973c.

2. The Edgefield County Council is a political subdivision to which the prohibitions of the Voting Rights Act of 1965, 42 U.S.C. §1973b(a), are in effect pursuant to the certification of the Attorney General of the United States under 42 U.S.C. §1973b(b)

3. The Defendants have the authority and duty to submit pursuant to 42 U.S.C. §1973c, §5 of the Act, "any voting qualification or prerequisite to voting, or standard, practice, or procedure different from that in force or effect on November 1, 1964" to the Attorney General of the United States, or to institute an action on behalf of Edgefield County in the United States District Court for the District of Columbia for a declaratory judgment that any such qualification or prerequisite to voting, or standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging

the right to vote on account of race or color.

4. Home rule legislation was adopted in South Carolina in 1972, amending Article VIII of the South Carolina Constitution. As amended Article VIII provides in Section 7 that the General Assembly "shall provide by general law for the structure, organization, powers, duties, functions and the responsibilities of counties * * *. Alternative forms of government, not to exceed five, shall be established."

5. Pursuant to Article VIII of the South Carolina Constitution, the General Assembly of South Carolina enacted Sections 14-3701 _et seq_. of the South Carolina Code of Laws, 1962, recodified as Sections 4-9-10 _et seq_. of the Code of Laws of South Carolina, 1976, providing for five alternative forms of elected county government. The General Assembly therein provided that "[e]ach county * * * may prior to July 1, 1976,

conduct a referendum to determine the wishes of the qualified voters as to the form of government to be selected * * *." In the event no referendum was held, the legislation further provided that "the county concerned shall, beginning on that date [July 1, 1976], have the form of government, including the method of election, number, composition and terms of the governing body more nearly corresponding to the form in effect in the county immediately prior to that date." §4-9-10(b), Code of Laws of South Carolina, 1976.

6. No referendum was ever conducted in Edgefield County under the Home Rule Act.

7. On March 29, 1976, the Plaintiffs filed a motion to enjoin the upcoming 1976 elections for the County Council, which was denied by the Court on April 14, 1976.

8. On June 21, 1976, the Edgefield County Council adopted by resolution and ordinance the Council Administrator form of government, whereby the council consists of 5 members elected from residential districts by the voters of the county at-large.

9. In spite of the fact that the 1976 resolution and ordinance was a change in voting required to be pre-cleared under the Voting Rights Act of 1965, no pre-clearance was sought by the County Council prior to September, 1978, with the result that elections in both 1976 and 1978 were held in violation of 42 U.S.C. §1973c.

10. Edgefield's implementation of home rule was finally submitted to the Attorney General pursuant to §5 of the Voting Rights Act of 1965 and was received on October 3, 1978.

11. On November 3, 1978, the Attorney General requested additional information

and the submission was completed on December 10, 1978.

12. On February 8, 1979, within 60 days of completion of the submission, the Attorney General interposed his objection "to the implementation of the requirements of the South Carolina Home Rule Act in the context of the at-large election system existing in Edgefield County." A copy of the objection letter is attached hereto as Exhibit A.

13. On April 9, 1979, the County Council voted to submit a plan utilizing single member districts to the Department of Justice and to appoint a Citizens Advisory Committee to assist in establishing the council districts.

14. The Citizens Advisory Committee was duly appointed, and after consultation with Bobby Bowers, Chief, Office of Demographic Statistics, South Carolina

Division of Research and Statistical Services, recommended to the County Council the adoption of a specific plan providing for the election of council member from single-member districts, some of which districts contained a majority of black residents.

15. Notwithstanding the objection of the Attorney General and the recommendation of the Citizens Advisory Committee, Defendants made preparations to hold the 1980 elections for the County Council at-large.

16. Plaintiffs moved in April, 1980, over the Defendants' objections, to enjoin the 1980 at-large elections, while on April 17, 1980, this Court entered an order finding the at-large elections to be unconstitutional and enjoined further elections until a new and constitutional method of electing the County Council was adopted pursuant to applicable state law.

17. On April 21, 1980, the County

Council again adopted a resolution to establish single-member districts for election of the Council.

18. On April 25, 1980, however, the Defendants moved this Court to alter, amend or vacate judgment on the basis of the intervening decision of City of Mobile v. Bolden,. _____U.S.____,100 S.Ct.1490 (1980).

19. On August 8, 1980, the Court granted Defendants' motion and withdrew its April 17, 1980 order, but allowed the submission of additional evidence whether the at-large system in Edgefield was conceived or operated as a purposeful device to further racial discrimination.

20. The Defendants have rescinded or repudiated their various resolutions to adopt single member districts for election of the Edgefield County Council, and notwithstanding the outstanding objection of the Department of Justice, intend to hold all future council elections at-large.

21. The decision to adopt at-large voting constitutes a "standard, practice or procedure with respect to voting different from that in force or effect on November 1, 1964" within the meaning of §5, and is ineffective as law until pre-cleared.

22. The Defendants have failed to pre-clear the adoption of at-large voting pursuant to §5 in violation of the rights of Plaintiffs.

23. At-large elections were conceived and are being maintained in Edgefield County as a purposeful device to further racial discrimination.

Third Cause of Action

24. The actions of Defendants in preparing to hold elections for the County Council at-large without having obtained pre-clearance and in spite of the outstanding objection of the Department of Justice

violates §5 and deprives Plaintiffs of rights secured by the First, Thirteenth, due process and equal protection clauses of the Fourteenth and Fifteenth Amendments of the Constitution of the United States and 42 U.S.C. §§1971(a)(1), 1973, 1973c and 1983.

WHEREFORE, Plaintiffs respectfully pray that:

(a) This Court cause to be convened a district court of three judges to hear Plaintiffs' third cause of action as required by 28 U.S.C. §2284 and 42 U.S.C. §1973c;

(b) The Court of three judges declare the rights of the parties and enjoin the holding of elections for the Edgefield County Council at-large;

(c) The Court as a single judge court do the following:

[1] Issue a preliminary injunction to be made permanent later enjoining the Defendants from holding at-large elections for the Edgefield County Council;

[2] Issue a declaratory judgment that the actions of the Defendants in maintaining at-large elections for the County Council is violative of the rights of Plaintiffs secured by the First, Thirteenth, privileges and immunities, equal protection and due process clauses of the Fourteenth and Fifteenth Amendments of the Constitution of the United States and 42 U.S.C. §§1971 (a)(1), 1973, and 1973c and 1983;

[3] Order the County Council to reapportion itself utilizing voting districts in a manner that complies with the one person-one vote mandate of the Supreme Court of the United States and which does not have the effect or purpose of diulting the voting strength of black citizens;

[4] Submit such reapportionment plan to the Attorney General of the United States as required by 42 U.S.C. §1973c;

[5] Order that all members of the County Council be elected at a special election to be held in Edgefield County as soon as practicable;

(d) This Court grant Plaintiffs their costs and reasonable attorneys' fees, and issue such further relief as may be just and proper; and

(e) Retain jurisdiction of this cause.

/S/
LAUGHLIN McDONALD
NEIL BRADLEY
CHRISTOPHER COATES
52 Fairlie Street, NW
Atlanta, Georgia 30303
404-523-2721

[Certificate of Service Omitted in Printing]

/S/
ARMAND DERFNER
P.O. Box 608
Charleston, SC 29402

ATTORNEYS FOR PLAINTIFFS

[Exhibit A Appears in the Juris. S.A. at 29a]

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

FILED Nov 24 1980

Thomas C. McCain, et al.,)
)
Plaintiffs,) CIVIL ACTION
) NO. 74-281
vs.)
)
Charles E. Lybrand, et al.,) O R D E R
)
Defendants.)

This matter is before the Court upon motion of the plaintiff to be allowed to file a second supplemental complaint. The Court has carefully reviewed the memorandum in support and the memorandum in opposition of the motion and concludes that the amendment should be allowed in order that this litigation may be determined once and for all on all issues that exist up to this point in time. This will avoid the necessity of filing additional complaints and should promote the orderly and fair administration of justice in this proceedings.

IT IS, THEREFORE, ORDERED that the Clerk shall file the second supplemental complaint and the defendant shall have the usual time to answer.

AND IT IS SO ORDERED.

/S/
ROBERT F. CHAPMAN
UNITED STATES DISTRICT JUDGE

November 24th 1980

Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

Thomas C. McCain, *et al.*,	
	CIVIL ACTION
Plaintiffs,	NO. 74-281
vs.	ANSWER
	TO SECOND
Charles E. Lybrand, *et al.*,	SUPPLEMENTAL
	COMPLAINT
Defendants.	

In answer to the second supplemental complaint, the defendants would show this Court:

1. That any allegation of the second supplemental complaint not hereinafter expressly admitted, qualified or explained is denied;

2. That the allegations of paragraph 1 are denied;

3. That the allegations of paragraph 2 are admitted;

4. That the existence of the statute

to which reference is made in paragraph 3 is admitted; however, reference to that statute is craved for a proper statement of its contents;

5. That the allegation of paragraph 4 that home rule legislation was adopted in South Carolina in 1972 is denied and that as to the remaining allegations of paragraph 4, reference is craved to the provisions of Article VIII of the South Carolina Constitution for a proper statement of their contents;

6. That the existence of the statutes to which reference is made in paragraph 5 is admitted; however, reference to those statutes is craved for a proper statement of their contents;

7. That the allegations of paragraphs 6,7 and 8 are admitted;

8. That the allegations of paragraph 9 are denied;

9. That only so much of paragraph 10 as in effect alleges that the June 21, 1976 resolution of the Edgefield County Council was submitted to the United States Attorney General is admitted and that the remaining allegations of paragraph 10 are denied;

10. That the allegations of paragraph 11 are admitted;

11. That the existence of the letter to which reference is made in paragraph 12 is admitted; however, reference to that letter is craved for a proper statement of its content;

12. That the occurrence of the April 9, 1979 Edgefield County Council meeting to which reference is made in paragraph 13 is admitted; however, reference to the minutes of that meeting is craved for a proper statement of the actions taken by the Edgefield County Council members at that time;

13. That the allegations of paragraph 14 are admitted with the qualification that the plan recommended by the Citizens Advisory Committee included two single-member districts which contained a majority of black residents;

14. That only so much of paragraph 15 as in effect alleges that the defendants planned to hold the 1980 election for the Edgefield County Council members utilizing the method of election prescribed by Act No. 1104 of 1966, as amended by Act No. 521 of 1971, is admitted and that the remaining allegations of paragraph 15 are denied;

15. That only so much of paragraph 16 as in effect alleges that the plaintiffs moved in April, 1980, to enjoin the 1980 election for Edgefield County Council members, which motion the defendants opposed, is admitted and that as to the remaining allegations of paragraph 16, reference is craved to the April 17, 1980, order of this Court

for a proper statement of its contents;

16. That the allegations of paragraph 17 are denied;

17. That the existence of the pleading and the order to which reference is made in paragraphs 18 and 19 respectively is admitted; however, reference to that pleading and that order is craved for a proper statement of their respective contents; and

18. That the allegations of paragraphs 20, 21, 22, 23 and 24 are denied.

WHEREFORE, having answered the second supplemental complaint, the defendants demand that it be dismissed with costs to the plaintiffs.

DANIEL R. McLEOD
Attorney General

C. TOLBERT GOOLSBY, JR.
Deputy Attorney General

KAREN LeCRAFT HENDERSON
Senior Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211

CHARLES W. COLEMAN
Attorney at Law

Post Office Box 77
Edgefield, SC 29824

By: /S/ ____________________
ATTORNEYS for the
defendants

December 4, 1980

Columbia, South Carolina

[Certificate of Service Omitted in Printing]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

THOMAS C. McCAIN, ET AL.,]
]
Plaintiffs,]
] CIVIL ACTION
v.] NO. 74-281
]
CHARLES E. LYBRAND, ET AL.,]
]
Defendants.]
]

MOTION FOR LEAVE TO AMEND AND SUPPLEMENT SECOND SUPPLEMENTAL COMPLAINT

Plaintiffs by counsel move the Court for the entry of an order pursuant to Rule 15, F.R.Civ.P., permitting them to amend and supplement the Second Amended Complaint by adding to it the following:

1. On and prior to November 1, 1964, the government of Edgefield County consisted of an elected county supervisor and two commissioners appointed by the Governor upon the recommendation of the members of the General Assembly from the county, or a

majority of them. The supervisor had general jurisdiction over roads, bridges, ferries, and paupers, in all matters relating to taxes and disbursements of public funds for county purposes and in other matters necessary for the internal improvements and local concerns of the county. Neither the supervisor nor the other commissioners, however, had power to tax, to incur bonded indebtedness, to prescribe procedures for budgeting and accounting; to appoint or recommend the appointment of members to county boards, commissions and agencies, or to exercise eminent domain. These governmental powers were retained and exercised by the members of the General assembly from Edgefield County.

2. On June 1, 1966, Act No. 1104 of 1966 was enacted creating the Edgefield County Council. The Act provided for a council of three members elected for terms of two years, with one member with the

largest plurality elected from the county at-large from each of three specified districts of the county. The Act further empowered the council to legislate in reference to matters of local concern including exercising the powers of eminent domain, making appropriations and levying taxes, incurring indebtedness, issuing bonds and ordering the levying and collection of ad valorem taxes, prescribing methods of accounting for county offices and departments, and supervising and regulating the various departments of the county.

3. Act No. 1104 of 1966 was a voting qualification or prerequisite to voting, or standard, practice or procedure different from that in force or effect on November 1, 1964, required to be pre-cleared pursuant to 42 U.S.C. §1973c, prior to being implemented. No pre-clearance was sought, however, with

the result that the 1966 change was implemented in violation of §5 of the Voting Rights Act of 1965.

4. Act No. 1104 of 1966 was amended on June 25, 1971 to increase the membership of the council to five persons, one member with the largest plurality being elected by the county at-large from each of five specified districts. Act No. 521 of 1971.

5. Act No. 521 of 1971 was submitted to the Attorney General pursuant to §5 and no objection to the change involving an increase in the size of the council was interposed.

6. Act No. 1104 of 1966 was amended again on May 24, 1974 to provide for the recommendation or appointment of boards or commissions or officials of Edgefield County to be vested in the council.

7. Act No. 1042 of 1974 (H. 3096) is a voting qualification, or prerequisite to

voting, or standard, practice or procedure different from that in force or effect on November 1, 1964, but upon information and belief, was never pre-cleared under §5.

8. On December 9, 1980, the Attorney General of the United States notified the office of the Attorney General of South Carolina that Act No. 1104 of 1966 was never submitted either to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by §5. The State was requested within ten (10) days to inform the Department of Justice what action the State of South Carolina plans to take with respect to pre-clearance of Act No. 1104 of 1966. A copy of the letter of the Attorney General of the United States is attached hereto as Exhibit B.

/S/
LAUGHLIN McDONALD
NEIL BRADLEY
CHRISTOPHER COATES
52 Fairlie Street, N.W.
Suite 355
Atlanta, GA 30303
[404] -523-2721

/S/
ARMAND DERFNER
P.O. Box 608
Charleston, S.C. 39402

ATTORNEYS FOR PLAINTIFFS

[Certificate of Service Omitted in Printing]

U.S. Department of Justice

DSD:GWJ:DHH:ca Washington, DC 20530
DJ 166-012-3
D5564

DEC 9, 1980

Ms. Treva Ashworth
Senior Assistant Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211

Dear Ms. Ashworth:

This is in reference to the status under Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, of the governing body of Edgefield County, South Carolina.

Act 1104 of 1966 (R1357, H2559) established the governing body of Edgefield County, defined the powers of that body, and established the method of its election. A thorough investigation of our files and records has led us to conclude that this act was never submitted either to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5.

If our information is correct, it is necessary that this Act either be brought before the District Court for the District of Columbia or submitted to the Attorney General for a determination that it has neither the purpose nor the effect of denying or abridging the vote on account of race or color.

Should you elect to submit this Act to the Attorney General, please follow the procedures set forth in the Procedures for the Administration of Section 5 (28 C.F.R. Part 51).

To enable this Department to meet its responsibility to enforce the Voting

Rights Act, please inform us within ten days of your receipt of this letter what action the State of South Carolina plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Voting Section Attorney David H. Hunter, [202] 724-7189. Please refer to File No. D5564 in any written response to this letter so that your correspondence will be properly channeled.

Sincerely,

DREW S. DAYS III
Assistant Attorney
General
Civil Rights Division

By:
GERALD W. JONES
Chief, Voting Section

cc: Karen LeCraft Henderson, esq.
Charles W. Coleman, esq.
Laughlin McDonald, esq.
Armand Derfner, esq.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

FILED JAN 6 1981

Thomas C. McCain, et al.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
vs.	)	NO. 74-281
	)	
Charles E. Lybrand, et al.,	)	
	)	
Defendants.	)	O R D E R

This matter is before the Court upon motion of the plaintiffs to amend and supplement the second supplemental complaint to allege the failure of the defendants to pre-clear Act No. 1104 of 1966 in violation of §5 of the Voting Rights Act of 1965. The defendants oppose this motion contending that Act No. 1104 of 1966 is no longer in effect, since it was superseded by an Act in 1971, and the 1971 enactment was submitted to the United States Department of Justice and the United States

Attorney General who opposed no objections to its provisions.

In keeping with its prior announced intent to decide all present issues involving the County Council of Edgefield County and to avoid the need for additional causes of action, the Court will allow the complaint to be amended as requested.

AND IT IS SO ORDERED.

/S/
ROBERT F. CHAPMAN
UNITED STATES DISTRICT JUDGE

January 6th, 1981
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

Thomas C. McCain, *et al.*,	)
	)
Plaintiffs,	)
	)CIVIL ACTION
vs.	)NO. 74-281
	)
Charles E. Lybrand, *et al*,	)ANSWER TO
	)AMENDMENT AND
Defendants.	)SUPPLEMENT TO
	)SECOND AMENDED COMPLAINT

In answer to the plaintiffs' amendment and supplement to their second amended complaint, the defendants would show this Court:

1. That any allegation of the amendment and supplement to the second amended complaint not hereinafter expressly admitted, qualified or explained is denied;

2. That as to the allegations of paragraph 1, reference is craved to Title 14 of the 1962 Code of Laws of South

Carolina for an accurate statement of applicable State law governing the operation of Edgefield County government on and before November 1, 1964;

3. That only so much of paragraph 2 as alleges that Act No. 1104 of 1966 was enacted by the South Carolina General Assembly on June 1, 1966, is admitted and that as to the remaining allegations of paragraph 2, reference to that statute is craved for an accurate statement of its provisions;

4. That the allegations of paragraph 3 are admitted;

5. That only so much of paragraph 4 as alleges that Act No. 1104 of 1966 was amended on June 25, 1971, is admitted and that as to the remaining allegations of paragraph 4, reference to Act No. 521 of 1971 is craved for an accurate statement of its provisions;

6. That as to the allegations of paragraph 5, reference to the letter of the United States Attorney General dated November 24, 1971, relating to Act No. 521 of 1971, a copy of which is attached hereto, made a part hereof and designated Exhibit A, is craved for an accurate statement of its contents;

7. That only so much of paragraph 6 as alleges that Act No. 1104 of 1966 was amended on May 24, 1974, is admitted and that as to the remaining allegations of paragraph 6, reference to Act No. 1042 of 1974 is craved for an accurate statement of its provisions;

8. That the allegations of paragraph 7 are denied; and

9. That as to the allegations of paragraph 8, reference to the December 19, 1980, letter of the United States Attorney General to the South Carolina Attorney General is

craved for an accurate statement of its content.

WHEREFORE, having answered the amendment and supplement to the second amended complaint the defendants demand that it be dismissed with costs to the plaintiffs.

DANIEL R. McLEOD
Attorney General

C. TOLBERT GOOLSBY, JR.
Deputy Attorney General

KAREN LeCRAFT HENDERSON
Senior Assistant Attorney
General

Post Office Box 11549
Columbia, South Carolina
29211

CHARLES W. COLEMAN
Attorney at Law

Post Office Box 70
Edgefield, South Carolina
29824

By: /S/
ATTORNEYS for the
Defendants

January 16 , 1981

Columbia, South Carolina

[Certificate of Service Omitted in Printing]

DEPARTMENT OF JUSTICE
WASHINGTON

NOV 24, 1971

Mr. James H. Quackenbush, Jr.
Assistant Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211

Dear Mr. Quackenbush:

This is in reference to your letter of September 24, 1971, concerning the submission of H2206 to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

The Attorney General does not interpose any objections to the change in question. However, we feel a responsibility to pount out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes.

Sincerely,

s/
DAVID L. NORMAN
Assistant Attorney
General
Civil Rights Division

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

Thomas C. McCain, et al.,	)	ORIGINAL FILED MARCH 10 1981
Plaintiffs,	)	
vs.	)	CIVIL ACTION NO. 74-281
Charles E. Lvbrand, et al.,	)	ORDER
Defendants.	)	

This matter is before the Court upon motion of the plaintiffs to compel discovery. Plaintiffs contend that defendants have not answered plaintiffs' second set of interrogatories and have not produced certain documents requested. The Court has read the interrogatories which relate to whether or not Act No. 1104 of 1966 was ever submitted by the defendants or any Edgefield County official or any other person to the United States Department of

Justice, or to the United States District Court for the District of Columbia pursuant to §5 of the Voting Rights Act of 1965.

The answer to this interrogatory states that there are no records discovered to date which indicate any submission of Act No. 1104 of 1966. The Court finds this to be a sufficient answer and directs the defendants to update this answer and produce any documents if subsequently it is determined that some type of submission was in fact made.

AND IT IS SO ORDERED.

/S/
ROBERT F. CHAPMAN
UNITED STATES DISTRICT JUDGE

March 10th , 1981
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

GREENWOOD DIVISION

Thomas C. McCain, *et al.*, Plaintiffs, vs. Charles E. Lybrand, *et al.*, Defendants.	CIVIL ACTION NO. 74-281 STIPULATIONS

The parties by counsel stipulate to the following facts:

1. The plaintiffs are black citizens of Edgefield County, South Carolina.

2. The defendants include the five members of the Edgefield County Council and the three members of the Edgefield County Board of Election Commissioners.

3. On and prior to November 1, 1964, Edgefield County was governed by a board of county commissioners, consisting of an

elected county supervisor and two commissioners appointed by the Governor upon the recommendation of the Edgefield County legislative delegation. The duties, powers and functions of the Edgefield County Board of Commissioners were prescribed by Sections 14-201 through 14-210 and 14-251 through 14-258 of the 1962 Code of Laws of South Carolina, as amended, copies of which are attached hereto, made a part hereof and designated Exhibit A.

4. On June 1, 1966, the South Carolina General Assembly enacted Act. No. 1104 creating the Edgefield County Council. The Council consisted of three members elected for terms of two years, with one member with the largest plurality elected from the county at large from each of three designated residency districts, as prescribed by Act No. 1104, a copy of which is attached hereto, made a part hereof and designated Exhibit B.

5. Act No. 1104 of 1966 was a voting qualification or prerequisite to voting, or standard, practice or procedure different from that in force or effect in Edgefield County on November 1, 1964, but there are no records discovered to date which indicate that Act No. 1104 was either submitted to the United States Department of Justice for pre-clearance or judicially reviewed by the United States District Court for the District of Columbia pursuant to Section 5 of the Voting Rights Act of 1965.

6. Act No. 1104 of 1966 was amended on June 25, 1971, by Act No. 521, a copy of which is attached hereto, made a part hereof and designated Exhibit C.

7. Act No. 521 of 1971 was submitted to the United States Attorney General pursuant to Section 5 on or about September 24, 1971, and on or about November 24, 1971,

the United States Attorney General advised the Office of the South Carolina Attorney General by letter that he interposed no objection to its provisions, a copy of which letter is attached hereto, made a part hereof and designated Exhibit D.

8. Act No. 1104 of 1966 was also amended in 1967 (Act No. 55), in 1968 (Act No. 1318) and in 1974 (Act No. 1042). Those acts did not alter the method of election of the Edgefield County Council and they were not submitted to the United States Department of Justice for pre-clearance or to the United States District Court for the District of Columbia for judicial review. Copies of those acts are attached hereto, made a part hereof and designated Exhibit E.

9. The original complaint herein was filed on February 26, 1974. The plaintiffs contended that: (1) the method of electing

the Edgefield County Council at large diluted black voting strength in violation of the First, Thirteenth, Fourteenth and Fifteenth Amendments and 42 U.S.C. §§ 1971, 1973 and 1983; and (2) the residency districts were malapportioned on the basis of population.

10. On May 16, 1974, the District Court granted summary judgment for the plaintiffs on their malapportionment claim. McCain v. Lybrand, 376 F. Supp. 304 (D.S.C. 1974). The Fourth Circuit Court of Appeals, however, reversed sub nom. Lytle v. Commissioners of Election, 509 F.2d 1049 at 1054 (4th Cir. 1974) ("there is not ... wide disparity in population among the districts") and the United States Supreme Court subsequently denied a petition for a writ of certiorari. McCain v. Lybrand, 419 U.S. 1032 (1974).

11. In the meantime, pursuant to Article VIII of the South Carolina Constitution, the General Assembly of South

Carolina enacted Sections 14-3701 et seq. of the 1962 South Carolina Code of Laws, as amended [recodified as Sections 4-9-10 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended], known as the Home Rule Act, providing for five alternative forms of elected county government. The General Assembly provided inter alia that "[e]ach county ... may prior to July 1, 1976, conduct a referendum to determine the wishes of the qualified voters as to the form of government to be selected...." §4-9-10(a). In the event no referendum was held, the legislation further provided that "the county concerned shall, beginning on that date [July 1, 1976], have the form of government including the method of election, number, composition and terms of the governing body most nearly corresponding to the form in effect in the county immediately prior to that date" [§4-9-10(b)], which, in the case of Edgefield County the General Assembly determined to be the council-administrator form.

12. Edgefield County did not conduct a referendum on the question of the form of government (including method of election) prior to July 1, 1976, because no proper petition was timely filed as held in McCain v. Edwards, 272 S.C. 539, 252 S.E.2d 924 (1979)

13. On March 29, 1976, the plaintiffs filed a motion herein to enjoin the upcoming 1976 election for the Edgefield County Council, which motion was denied on April 14, 1976.

14. On June 21, 1976, the Edgefield County Council adopted by resolution and ordinance the council-administrator form of county government, copies of which resolution and ordinance are attached hereto, made a part hereof and designated Exhibit F.

15. The June 21, 1976, resolution and ordinance were not submitted to the United States Department of Justice for pre-clearance

nor were they judicially reviewed by the United States District Court for the District of Columbia.

16. On August 3, 1978, the United States Department of Justice wrote to Edgefield County requesting that the 1976 ordinance be pre-cleared. The Department wrote again on September 20, 1978, renewing its request and, by letter dated September 29, 1978, Edgefield County's implementation of home rule was submitted to the United States Attorney General, who received it on October 3, 1979.

17. On November 3, 1978, the United States Attorney General requested additional information and the submission was completed on December 10, 1978.

18. On February 8, 1979, the United States Attorney General by letter interposed

an objection to Edgefield County's submission, a copy of which letter is attached hereto, made a part hereof and designated Exhibit G.

19. On April 9, 1979, the Edgefield County Council held a meeting and took certain action, which action is reflected in the minutes taken at that meeting, a copy of which minutes is attached hereto, made a part hereof and designated Exhibit H.

20. During May, 1977, the Edgefield County Council received recommendations from the Citizens Advisory Committee which it had earlier appointed to assist in proposing single member election districts for the Edgefield County Council, a copy of which recommendations is attached hereto,made a part hereof and designated Exhibit I.

21. The plaintiffs moved in April, 1980, to enjoin the 1980 at-large elections, while on April 17, 1980, the Court entered an order (a copy of which is attached hereto, made a

part hereof and designated Exhibit J) that the at-large method of election constitutionally infringed upon "the rights of the blacks to due process and equal protection of the laws in connection with their voting rights." Slip opinion at 20. Further elections were enjoined until a new and constitutional method of electing the Edgefield County Council was adopted pursuant to applicable State law.

22. On April 21, 1980, the Edgefield County Council held a meeting and took certain action, which action is reflected in the minutes taken at that meeting, a copy of which minutes is attached hereto, made a part hereof and designated Exhibit K.

23. On April 25, 1980, the defendants moved the Court to alter, amend or vacate judgment on the basis of the intervening decision of City of Mobile v. Bolden, ____ U.S. ______, 100 S.Ct. 1490 (1980). Their

motion was granted on August 11, 1980, with leave to introduce additional evidence "whether the at-large system was conceived or operated as a purposeful device to further racial discrimination." A copy of the Court's order is attached hereto, made a part hereof and designated Exhibit L.

24. In the meantime, the plaintiffs moved to amend their complaint to require the pre-clearance of Act No. 1104 of 1966 and to enjoin implementation of the objected to 1976 resolution and ordinance. Allowance to amend was granted in two orders, one entered on November 24, 1980, and the other on January 6, 1981.

25. The Edgefield County Council is a political subdivision to which the prohibitions of the Voting Rights Act of 1965, 42 U.S.C. § 1973b(a), are in effect pursuant to the certification of the Attorney General of the United States under 42 U.S.C. §1973b(b)

26. Beginning with the 1972 general election to date, the five members of the Edgefield County Council have been elected at-large from the residency districts designated in Act No. 521 of 1971.

27. As applied to the Edgefield County Council, the provisions of the Home Rule Act as construed by the South Carolina Supreme Court [Infinger vs. Edwards,268 S.C. 375, 234 S.E.2d 214 (1977)] continued as the method of election "most nearly corresponding to [that] in effect in the county immediately prior to [July 1, 1976]" [§4-9-10(b), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended] the method of election (at-large with residency districts) prescribed by Act No. 521 of 19

28. The parties by counsel stipulate to the genuineness of the documents heretofore attached hereto, made a part hereof and designated as Exhibits A through L. In addition, they stipulate to the genuineness of

the following documents, copies of which are attached:

M. Letter to Charles W. Coleman from Drew S. Days, III, dated November 3, 1978;

N. Letter to Treva Ashworth from Drew S. Days, III, dated December 9, 1980;

O. Letter to Gerald W. Jones from Treva G. Ashworth, dated December 16,1980;

P. Letter to Charles W. Coleman from James P. Turner, dated December 31, 1980;

Q. Letter to T.C. McCain from H.O. Carter, dated April 12, 1979; and

R. Edgefield County Council Meeting, October 2, 1979, minutes.

Stipulated and agreed to this 30th day of June, 1981.

/S/	/S/
LAUGHLIN McDONALD	KAREN LeCRAFT HENDERSON
ATTORNEY for Plaintiffs	ATTORNEY for Defendants

CHAPTER 5.

COUNTY BOARDS OF COMMISSIONERS

Sec.

14-201. How composed.
14-202. Bond of commissioners.
14-203. Board may elect a clerk.
14-204. Assistant clerk in Richland County.
14-205. Commissioners not to be interested in contracts with counties.
14-206. Boards may administer oaths and punish for contempt.
14-207. Annual meeting; notice to file claims.
14-208. Comptroller to prescribe forms and systems of bookkeeping.
14-209. Annual report to presiding judge.
14-210. Annual report to Comptroller General.

§14-201. **HOW** COMPOSED. - Except as otherwise provided in this Title, there shall be in each of the counties of this State a county board of commissioners which shall be composed of the county supervisor who shall be elected and hold office as provided by law, and two commissioners, who shall be appointed by the Governor upon the recommendation of the members of the General Assembly from the several counties, or a majority of them, and whose term of office shall be coterminous with that of the supervisor with whom they are appointed to serve and until their successors shall be appointed and qualified. The said commissioners shall be commissioned by the Secretary of State as other county officers, but without charge for their commissions.

[annotations omitted in printing]

EXHIBIT A

§14-202. BOND OF COMMISSIONERS. - The county commissioners, except as otherwise provided in this Title, shall each give bond in the sum of one thousand dollars. [annotations omitted in printing]

§14-203. BOARD MAY ELECT A CLERK. - The board in each of the counties of the State may elect a clerk who shall perform the duties of secretary and be paid an annual salary as provided by law and whose term of office shall be coterminous with that of the members of the board electing him. [annotations omitted in printing]

§14-204. ASSISTANT CLERK IN RICHLAND COUNTY. - The governing body of Richland County may appoint a suitable person as assistant to the secretary or clerk so that, in case of death, absence or removal of the secretary-clerk, the assistant to the secretary or clerk may draw the orders on the county treasurer as herein provided.

[annotations omitted in printing]

§14-205. COMMISSIONERS NOT TO BE INTERESTED IN CONTRACTS WITH COUNTIES. - No member of a board of county commissioners shall be directly or indirectly interested in any contract pertaining to his duty as commissioner.

[annotations omitted in printing]

§14-206. BOARDS MAY ADMINISTER OATHS AND PUNISH FOR CONTEMPT. - The members of the county board of commissioners may administer oaths to all persons appearing before them and punish by fine not exceeding ten dollars or imprisonment in the county jail not exceeding twenty hours any and all persons guilty of disorderly conduct amounting to an open or direct contempt or wilful interruption of their proceedings.

[annotations omitted in printing]

§14-207. ANNUAL MEETING: NOTICE TO FILE CLAIMS. - The annual meeting of the county board of commissioners of each county shall be on the first Thursday after the first Monday of January, and the clerk of the board shall give notice of the time of holding such annual meeting by inserting the same at least once a week for four weeks previous to such meeting in any newspaper published in the county, and if there be no newspaper published in the county by posting such notice on the courthouse door. The notice shall require all persons holding demands of any kind against the county, not previously presented to the board, to file the same with the clerk on or before the first day of January so that they may be examined and ordered to be paid at the annual meeting. All persons holding such accounts or claims, not paid, shall deposit them with the clerk of the board as required in the notice.

[annotations omitted in printing]

§14-208. COMPTROLLER TO PRESCRIBE FORMS AND SYSTEMS OF BOOKKEEPING. - The county commissioners shall keep an account of claims audited and allowed by them against the several funds appropriated for county purposes in accordance with a form to be prescribed by the Comptroller General, and they shall conform to any system of bookkeeping that may be prescribed for use in their office by the Comptroller General.

[annotations omitted in printing]

§14-209. ANNUAL REPORT TO PRESIDING JUDGE. - **The county board of commissioners shall submit to the presiding judge on the first day of the first term of the court of general sessions in each year, to be by him** submitted to the grand jury of the county with an itemized statement of all amounts ordered to be paid by them for the preceding fiscal year, a report of the condition of the highways and bridges and the poor farm and other matters concerning the welfare of the county.

[annotations omitted in printing]

§14-210. ANNUAL REPORT TO COMPTROLLER GENERAL. - The commissioners of each county shall on or before the fifth day of January in each year report to the Comptroller General a detailed account of all their doings in such form as the Comptroller General shall direct or prepare and forward to them for such purpose. Such reports shall be incorporated in the annual report of the Comptroller General and laid before the General Assembly.

[annotations omitted in printing]

CHAPTER 6.

COUNTY SUPERVISORS.

Sec.
14-251. Election and term.
14-252. Bond.
14-253. Approval of bond.
14-254. General jurisdiction; administering oaths.
14-255. Seal of supervisor.
14-256. Record; expense thereof; inspection.
14-257. Salaries paid quarterly.
14-258. Suits for defaults by supervisor.

§14-251. ELECTION AND TERM. - Except as otherwise provided in this Title there shall be in each of the counties of this State a county supervisor who shall be elected by the qualified electors of the respective counties and whose term of office except as otherwise provided, shall be for four years and until his successor shall have been elected and qualified.

[annotations omitted in printing]

§14-252. BOND. - The county supervisor so elected shall, before entering upon the duties of his office, execute a bond for the use of the county, with three or more sufficient sureties, for the faithful performance of his duties, which, except as otherwise provided, shall be in the penal sum of five thousand dollars.

[annotations omitted in printing]

§14-253. APPROVAL OF BOND. - Such bond shall be approved in the same manner as bonds of county auditors and county treaurers.

[annotations omitted in printing]

§14-254. GENERAL JURISDICTION; ADMINISTERING OATHS. - The county supervisor shall have general jurisdiction in his county (a) over all public highways, roads, bridges and ferries, (b) over paupers, (c) in all matters relating to taxes and disbursements of public funds for county purposes and (d) in any other case that may be necessary for the internal improvement and local concerns of his county. He may administer oaths to any person in reference to matters appertaining to his office.

[annotations omitted in printing]

§14-255. SEAL OF SUPERVISOR. - The County supervisor shall procure and adopt a seal and, when so adopted, shall cause a description thereof, with an impression therefrom, to be filed in the office of the clerk of court and of the sheriff, treasurer, and Secretary of State, and the same shall thereupon be the seal of the supervisor, and all orders or other papers signed by such supervisor shall be authenticated by the official seal.

[annotations omitted in printing]

§14-256. RECORD; EXPENSE THEREOF; INSPEC- - The county supervisor shall cause a record to be kept of all the proceedings of the board of which he is herein made chairman, as well as a record of all contracts entered into with such boards, as provided in this Title. Such records shall be open to public inspection. All necessary books and materials for keeping the same shall be paid for out of the funds herein provided for the respective boards in the same manner as other charges are paid.
[annotations omitted in printing]

§14-257. SALARIES PAID QUARTERLY. - The salaries of the supervisors in the several counties shall be paid quarterly by the county treasurer out of the county funds in the same manner as other claims against the county are paid.
[annotations omitted in printing]

§14-258. SUITS FOR DEFAULTS BY SUPERVISOR. - In case of the failure of the county supervisor to perform faithfully the duties of his office or the conditions of his bond the solicitor of the circuit in which such supervisor shall reside shall bring an action upon the bond of the supervisor in the name of the county. Any amount realized from such suit shall be deposited in the treasury to the credit of the road fund. The solicitor shall receive therefor such fees as the court shall designate.

[annotations omitted in printing]

(R1357, H2559)

NO. 1104

An Act To Divide Edgefield County Into Districts For Certain Purposes And To Provide A System Of County Government For Edgefield County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Edgefield County divided into three districts. - For the purposes of elections as provided herein and such other elections and purposes as may be provided by law, Edgefield County is divided into three districts as follows:

District No. 1 shall be composed of Johnston No. 1, Johnston No. 2, Long Branch, Central and Bacon precincts.

District No. 2 shall be composed of Trenton, Merriwether, Colliers, Cleveland and Red Hill precincts.

District 3 shall be composed of Edgefield No. 1, Edgefield No. 2, Kendall, Moss, Rock Hill, Pleasant Lane and Meeting Street precincts.

SECTION 2. System of government for Edgefield County. - There is hereby created for Edgefield County a system of county government as set forth in this act.

SECTION 3. County council created - members - elections - vacancies - county administrator. - There is hereby created the Edgefield County Council (council) which shall be composed of three members who shall be elected at the same time as the general election in November of 1966 and at each general election thereafter to serve for terms of two years or until their successors are elected and qualify. One member with the largest plurality shall be elected from the county at large from each of the three districts of the county. Any qualified elector in the district may qualify as a candidate for member of the council from that district by filing with the Clerk of Court of Edgefield County on or before twelve o'clock noon, August 15, 1966. Thereafter, candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council shall employ a county administrator who shall be the administrative officer for the county at such a salary and term as

is determined by the council. The council shall require such bond of the county administrator as it deems ad- / visable. /2768
The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. Members of the council shall receive a monthly salary of one hundred twenty-five dollars. A chairman shall be elected annually at the first meeting of the council and shall receive an additional salary of twenty-five dollars per month. The Edgefield County supervisor and the county commissioners shall continue to exercise their duties only as to county roads and bridges and under the supervision of the council until the expiration of their terms, at which time the offices of county commissioner and county supervisor for the county shall be abolished.

SECTION 4. Recommendations. - Any appointments in Edgefield County, to be made by the Governor upon the recommendation of the Senator, shall henceforth be made upon the recommendation of a majority of the council, with the approval of the membership of the House of Representatives from Edgefield County; and any such appointments now made upon the recommendation of a majority of the Edgefield County Legislative Delegation shall henceforth be made upon the recommendation of a majority of the council, with the consent of the membership of the House of Representatives from Edgefield County.

SECTION 5. Ordinances. - No ordinance of the council which levies a tax, or appropriates money, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the council and shall be published in both newspapers of general circulation in the county at least twenty days before the final reading. All proceedings of the council shall be recorded, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the council upon payment of a charge set by the council.

SECTION 6. Powers and duties. - In addition to the foregoing and other statutory duties and powers, the council is hereby empowered to legislate in reference to such matters of local concern with Edgefield County as herein provided and shall have the following powers:

1. To adopt, use and alter a corporate seal.

2. (a) To acquire by purchase or gift real property in the name of Edgefield County. /

/2769

(b) To lease, sell or otherwise dispose of real and personal property in the name of Edgefield County, including all such property now owned by the county.

(c) To acquire tangible personal property and supplies.

3. To make contracts and execute all instruments necessary or convenient for carrying out the functions committed to it.

4. To exercise the powers of eminent domain in the manner provided by the general laws of the State of South Carolina for procedure by any county, municipality, or authority organized under the laws of this State, or by the South Carolina State Highway Department, or by railroad corporations, or in any manner provided by laws, as the board may, in its discretion, elect.

5. To make appropriations and to levy taxes therefor for corporate purposes and for educational purposes, to build and

repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and to pay past indebtedness.

6. To provide for the receipt, custody, allocation and disbursement of funds accruing to Edgefield County.

7. To provide within the county special services which are considered necessary to public health and welfare.

8. To incur indebtedness in anticipation of the collection of taxes which have been levied.

9. To issue bonds pledging the faith and credit of Edgefield County for the purposes authorized by and within the limits prescribed by the Constitution of the State of South Carolina, including educational purposes, to build and repair public roads,

buildings and bridges, to maintain and support prisoners, pay jurors, county officers, and for litigation, quarantine and court expenses and for ordinary county purposes, to support paupers, and pay past indebtedness. Bonds issued pursuant to this section shall mature serially in such manner as the council may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. The council shall also be empowered to determine the rates of interest the bonds may bear, the method of their execution and sale and all other matters incident to the proper issuance and delivery of the bonds. It shall be empowered to order the levy and collection of ad valorem taxes upon all taxable property in Edgefield County without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on these bonds. /   /2770

10. To enter into agreements on matters of local concern with agencies and instrumentalities of the Federal Government, the State Government, political subdivisions of the State, and educational, charitable, and eleemosynary institutions.

11. To regulate, control and provide for the construction, maintenance, operation and use of public streets, roads, bridges, sidewalks, drains, courthouses, jails, buildings, prison farms, and other public improvements and facilities.

12. To prescribe methods of accounting for county officers and departments.

13. To supervise and regulate the various departments of the county, except that the duties and functions now provided by law for the offices of the sheriff, clerk of the court, probate judge, coroner, and superintendent of education shall not

be altered.

14. To create such agencies and departments as may be deemed advisable, and to prescribe their duties and functions; and to alter or transfer the duties and functions of existing offices, agencies or departments.

15. To employ all county employees whose election by the people is not provided for by law and to establish policies affecting the selection, appointment, compensation, dismissal and other matters in the control of the administrative employees of the county government.

SECTION 7. Reports and budgets.--Every county official, department, commission, institution or board receiving grants or appropriations from county, State and/or Federal funds shall, on or before October first of each year, make a full and detailed report of its financial status, activi-

ties and expenditures for the past fiscal year, showing all balances in all accounts controlled by such official, department, commission, institution or board, together with its budget and recommendations for the coming year, to the board. These reports and budgets shall be filed with the council on or before October first of each year. The council shall, from the reports, prepare a budget for the operation of the county for the ensuing year which must receive a majority of the votes of the members of the board before becoming effective. The council shall cause the county budget to be published in both newspapers having general circulation in the county such budget shall show in detail the amount of the proposed appropriations, the purposes for which they / are to be made, /2771
and the millage to be levied. The publi-

cation shall be published as soon as practicable after adoption.

SECTION 8. Not to affect other bond issues. --No budget promulgated by the council shall become effective or be published until approved by the membership of the House of Representatives from Edgefield County.

SECTION 10. Time effective.--This act shall take effect upon approval by the Governor.

Approved the 1st day of June, 1966.

(R722, H2206)

NO. 521

An Act To Amend Act 1104 of 1966, As Amended, Relating To A System Of County Government For Edgefield County, So As To Increase The Number Of Districts And The Number Of County Council Members.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Edgfield County divided into districts.--Section 1 of Act 1104 of 1966 is amended by striking it out and inserting:

"Section 1. For the purposes of elections as provided herein and such other elections and purposes as may be provided by law, Edgfield County is divided into five districts as follows:

District No. 1 shall be composed of Johnston No. 1, Johnston No. 2 and Long Branch precincts.

District No. 2 shall be composed of Trenton, Central and Bacon precincts.

District No. 3 shall be composed of Edgefield No. 1 and Edgefield No. 2 precincts.

District No. 4 shall be composed of Merriwether, Colliers, Cleveland and Kendall precincts.

District No. 5 shall be composed of Red Hill, Rock Hill, Moss, Meeting Street and Pleasant Lane precincts." / /99

SECTION 2. Edgefield County Council.--Section 3 of Act 1104 of 1966, as amended, is further amended by striking it out and inserting:

"Section 3. There is hereby created the Edgefield County Council (council) which shall be composed of five members who shall be elected in each general election to serve for terms of two years until their successors are elected and qualify. One member with the largest plurality shall be elected by the county at large from each of the five districts of the county. Candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council may employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems advisable. The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. Members of the council shall receive a monthly salary of twenty-five dollars per month. The Edgefield County supervisor and the county commissioners shall continue to exercise their duties only as to county roads and bridges and under the supervision of the council until the expiration of their terms, at which time the offices of county commissioner and county supervisor for the county shall be abolished."

SECTION 3. Time effective.--This act shall take effect upon approval by the Governor.

Approved the 25th day of June, 1971.

[Exhibit D appears supra, at 125]

OF SOUTH CAROLINA

GENERAL AND PERMANENT LAWS--1967

(R81, H1247)

NO. 55

An Act To Amend Act No. 1104, Acts And Joint Resolutions Of South Carolina, 1966, Relating To The Edgefield County Government, So As To Make It Permissible For The County Council To Employ A County Administrator.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 3 of Act 1104 of 1966 amended--county council created--members--elections--vacancies--county administrator. --Section 3 of Act No. 1104, Acts and Joint Resolutions of South Carolina, 1966, is amended by striking the word "shall" on line fifteen and inserting in lieu thereof the word "may" so that when amended the

EXHIBIT E

section shall read as follows:

"Section 3. There is hereby created the Edgefield County Council (council) which shall be composed of three members who shall be _/_ elected at the same time as the general election in November of 1966 and at each general election thereafter to serve for terms of two years or until their successors are elected and qualify. One member with the largest plurality shall be elected from the county at large from each of the three districts of the county. Any qualified elector in the district may qualify as a candidate for member of the council from that district by filing with the Clerk of Court of Edgefield County on or before twelve o'clock noon, August 15, 1966. Thereafter, candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by /5 the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council may employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems advisable. The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. Members of the council shall receive a monthly salary of one hundred twenty-five dollars. A chairman shall be elected annually at the first meeting of the council and shall receive an additional salary of twenty-five dollars per month. The Edgefield County supervisor and the county commissioners shall continue to exercise their duties only as to county roads and bridges and under the supervision of the council until the expiration of their terms, at which time the offices of county commissioner and county supervisor for the county shall be abolished."

SECTION 2. Time effective.--This act shall take effect upon approval by the Governor.

Approved the 23rd day of February, 1967.

[OF SOUTH CAROLINA]

GENERAL AND PERMANENT LAWS--1968

(R1542, H1331)

NO. 1318

An Act To Amend Act No. 1104 Of 1966, As Amended, Relating To The Edgefield County Council, So As To Provide That The Records Of The Council Show The Action Taken And The Vote Of Each Member Of The Council On All Resolutions, Ordinances And Other Matters.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Passage of ordinances.--Section 5 of Act No. 1104 of 1966 is amended on line six by inserting "and shall include the official action taken by the council and the vote of each member on all resolutions, ordinances and other matters," after "recorded,". The section when amended shall read as follows:

"Section 5. No ordinance of the council which levies a tax, or appropriates money, or incurs bonded indebtedness shall be valid unless the provision shall have been read at three regular meetings of the council and shall be published in both newspapers of general circulation in the county at least twenty days before the final reading. All proceedings of the council shall be recorded, and shall include the official action taken by the council and the vote of each member on all resolutions, ordinances and other matters, and annually all ordinances and resolutions passed during the preceding twelve months shall be printed and made available for distribution through the office of the council upon payment of a charge set by the council."

SECTION 2. Time effective.--This act shall take effect upon approval by the Governor.

Approved the 14th day of June, 1968.

STATUTES AT LARGE 2224

[OF SOUTH CAROLINA]

GENERAL AND PERMAMENT LAWS--1974

(R1171, H3096)

NO. 1042

An Act To Amend Act No. 1104 Of 1966, As Amended, Relating To The Edgefield County Council, So As To Further Provide for Compensation Of The Members, Recommendations And Appointments; To Provide For Certain Duties Concern- _/_ ing The County /222 Farm To Market Program; And To Delete A Provision Concerning The Approval Of Budgets.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Edgefield County Council.--Section 3 of Act No. 1104 of 1966, as last amended by Act No. 521 of 1971, is further amended by striking the last three sentences and inserting in lieu thereof the following: "A chairman shall be elected annually at the first meeting of the council. Members of the council shall receive monthly salaries as may be determined by the council, but such salaries shall not exceed two hundred dollars except for the chairman who may receive not exceeding two hundred fifty dollars." The section when amended shall read as follows:

"Section 3. There is hereby created the Edgefield County Council (council) which shall be composed of five members who shall be elected in each general election to serve for terms of two years and until their successors are elected and qualify. One member with the largest plurality shall be elected by the county at large from each of the five districts of the county. Candidates shall file and be nominated as candidates are for other county offices. Vacancies on the council shall be filled by appointment by the Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council may employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems advisable. The council shall not elect one of its members as county administrator. Meetings of the council shall be held whenever necessary but not less than twice monthly. A chairman shall be elected annually at the first meeting of the council. Members of the council shall receive monthly salaries as may be determined by the council, but such salaries shall not exceed two hundred dollars except for the chairman who may receive not exceeding two hundred fifty dollars."

SECTION 2. Appointments.--Section 4 of Act No. 1104 of 1966 is amended to read as follows:

"Section 4. The council shall perform all functions relating to the recommendation or appointment of boards or commissions or officials of Edgefield County as were formerly vested in the county / /2226 legislative delegation or in the county legislative delegation, including the senator, or in the senator, or any other words of similar import as provided by law."

SECTION 3. Additional powers.--Section 6 of Act No. 1104 of 1966, relating to the powers and duties of the Edgefield County Council, is amended by adding item 16 which shall read as follows:

"16. To make such recommendations as may be required concerning the farm to market program."

SECTION 4. Repeal.--Section 9 of Act No. 1104 of 1966 is repealed.

SECTION 5. Time effective.--This act shall take effect November 15, 1974.

Approved the 24th day of May, 1974.

ORDINANCE PROVIDING FOR THE COMPOSITION AND ELECTION OF A NEW COUNTY COUNCIL FOR EDGEFIELD COUNTY PURSUANT TO CODE SECTIONS 14-3701 and 14-3706.

WHEREAS, Sections 14-3701 and 14-3706 of the Code of Laws of South Carolina provides a mechanism to establish the composition and method of elections; and

WHEREAS, Section 3 of Act 283 of 1975 requires county governing bodies to provide by ordinance for the composition and election of a new county council; and

WHEREAS, the County of Edgefield has by Resolution, dated June 21, 1976, adopted the form of government in accordance with Title 14 of the Code of Laws of South Carolina.

NOW, THEREFORE, BE IT ENACTED:

That the County Council of Edgefield County shall consist of five (5) members; one (1) member with the largest plurality from the county at large from

EXHIBIT F

each of the five districts of the County, which are as follows:

District 1 shall be composed of Johnston No.1, Johnston No.2, and Long Branch Precincts; District 2 shall be composed of Trenton, Central and Bacon Precincts; District 3 shall be composed of Edgefield No.1 and Edgefield No.2 Precincts; District 4 shall be composed of Merriweather, Colliers, Cleveland and Kendall Precincts; District 5 shall be composed of Red Hill, Rock Hill, Moss, Meeting Street and Pleasant Lane Precincts.

BE IT FURTHER ENACTED that in the general election scheduled for the 2nd day of November, 1976, that the qualified voters will select the members of said council; provided that those members currently serving on the governing body of Edgefield County will continue to serve the terms for which they were duly elected.

ADOPTED THIS 19th DAY OF July, 1976.

/S/

Chairman of County Council

Introduced June 21, 1976

2nd Reading July 13, 1976

Final Reading July 19, 1976

ATTEST:

/S/

Clerk of County Council

EXHIBIT F

RESOLUTION ADOPTING THE COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR THE COUNTY OF EDGEFIELD PURSUANT TO TITLE 14, SECTION 3701 (b) OF THE CODE OF LAWS OF SOUTH CAROLINA.

WHEREAS, Section 14-3701 (b) of the Code of Laws provides that unless otherwise determined by referendum prior to July 1, 1976, the County shall beginning on that date have the form of government including the method of election, number, composition and terms of the governing body most nearly corresponding to the form in effect in the County immediately prior to that date; and

WHEREAS, the General Assembly has determined in Section 14-3701 (b) of the Code of Laws that Edgefield County was operating under the Council Administrator Form immediately prior to the date of July 1, 1976; and

WHEREAS, the governing body of Edgefield County consisted of five (5) members, elected at large with residentiary districts for two year terms; and

WHEREAS, there has not been a referendum held in Edgefield County to determine a form prior to July 1, 1976.

NOW, THEREFORE, BE IT RESOLVED in accordance with Section 14-3701 (b) that Edgefield County hereby adopts the Council Administrator Form of Government.

BE IT FURTHER RESOLVED that the County Council shall be composed of five (5) members to be elected at large from each district for a two year terms.

ADOPTED THIS 21st DAY OF JUNE, 1976.

Chairman of County Council

Introduced 6-21-76
Final Action 6-21-76

ATTEST:

Clerk of County Council

[EXHIBIT G appears in the Juris. S. A. at 29a.]

EDGEFIELD COUNTY COUNCIL MEETING
APRIL 9, 1979

* * * *

The "Public Hearing" in reference to the objection interposed by the U.S. Department of Justice as to the method of electing council members in Edgefield County was held Wednesday, April 4, 1979 with approximately 150 citizens attending.

It was obvious that of those voicing opinions, at this meeting, were in favor of the singel member district method of election and also desired citizen representation in this effort to establish new districts for single member method of election.

A motion was made by Councilman Herlong and seconded by Councilman Huiet to pursue the implementation of single member districts for electing council members for Edgefield County. Also, to request the Chairman of the Democratic Party and the Chairman of the Republican Party to appoint one representative from each precinct in Edgefield County to serve on an advisory committee. Mr. Bobby Bowers, S.C. Division of Research and Statistical Services, to be requested to assist us in establishing the new council districts. Motion carried.

* * * *

EXHIBIT H

TUESDAY

MAY 1, 1979

On Tuesday, May 1, 1979, at 7:00 p.m., the first meeting of the Edgefield County Citizen Advisory Committee was held in the Edgefield County Court House.

A list of those in attendance is attached.

Mr. Charles E. Lybrand, Chairman of the Edgefield County Council, presided and called on Rev. Revels for the invocation.

Chairman Lybrand then called on the county administrator to state the purpose of the meeting.

After stating the purpose of the meeting, the county administrator advised those in attendance that Mr. Bobby Bowers, Chief, Office of Demographic Statistics, South Carolina Division of Research and Statistical Services, has been asked to serve as ex-officio and chairman of the advisory committee.

Mr. Bowers then further elaborated on the objection imposed by the U.S. Department of Justice and the alternatives available to the County.

Mr. Bowers stated that to stay with the five member council it would be necessary to average 3, 138 citizens per district with not more than a 10% variance.

Mr. Bowers then presented two plans for establishing council districts for single members districts. They are as follows:

Plan No. 5A:

District No. 1 includes enumeration district 13, 14, and 15 for a population of 3,053, has a 2.7% variance with 48.05% black.

District No. 2 includes entire City of Edgefield and enumeration district no. 3 for a population of 3,156 with a variance of +.57% variance and 48.2% black.

EXHIBIT I

District No. 3 - Trenton with a population of 3,288 for a variance of + 4.78% and 64.2% black.

District No. 4 - Enumeration district 8, 9a & b for a population of 3,083 with a minus 1.75% variance and 36.07% black.

District No. 5 - Enumeration districts 1, 2, & 7 for a population of 3,112 with a variance of minus .083% and 60.8% black.

Total average variance for Plan No. 5A is

7.70%.

Plan No. 5B:

District No. 1 - Same as District No. 1 in Plan 5A.

District No. 2 - Enumeration district 3, 5, 6, & 7 for a population of 3,056 with a minus 3.61% variance and 45.3% black.

District No. 3 - Same as District No. 3 in Plan 5A.

District No. 4 - Same as District No. 4 in Plan 5A.

District No. 5 - Enumeration District No. 4, 1 & 2 for a population of 3,212 with a variation of minus 2.63% and 63.3% black.

Total variance for Plan 5B is 7.70%.

A member of the committee then asked Mr. Bowers what the procedure would be from this point.

Mr. Bowers responded that the committee should approve a plan and then recommend another public hearing. The plan would then be recommended to those present at the public hearing and to the County Council. The plan would then be recommended to the legislative delegation who would recommend same to the general assembly and pending their approval would be forwarded to the United States Justice Department for consideration.

A motion was made by G. W. Flurette and seconded by T. C. McCain to recommend Plan A as presented to those present at the next public hearing and to the County Council. Motion carried.

There being no further business, the meeting was adjourned.

[Letterhead omitted in printing]

MAY 3, 1979

Mr. Charles E. Lybrand, Chairman
Edgefield County Council
P.O. Box 663
Edgefield, SC 29824

Dear Mr. Lybrand:

At the request of the Edgefield Legislative Delegation, I met with the Delegation and County Council at a public meeting on Wednesday, April 4, 1979. The purpose of this meeting was to explain to the council and the citizens of Edgefield County their options in addressing the objection interposed by the U.S. Justice Department under the Voting Rights Act to Edgefield County as outlined in their letter of February 8, 1979. At this meeting, I was requested to work with a biracial committee appointed by the chairman of the Democratic and Republican parties with each having the option to appoint twelve members.

On Tuesday, May 1, 1979 at 7:00 p.m., I met with this committee at the Edgefield County Courthouse with all five members of county council and the County administrator present. I was asked to serve as ex-officio chairman since I was representing the interests of the legislative delegation. My report is as follows:

In addition to the above listed persons, the following committee members or their representative were present:

Rev. J. G. Revels, Jr.
Nathaniel Jackson
Lib Dixon (for Hugh Clark)
W. M. Gregory
Jesse Williams
J. J. Bowman
T. C. McCain
T. K. Davis (for Preston Miller)
Donald Turner
Mrs. George Rucker
Farris C. Parker
Richard A. Beals
R. J. Floyd, Sr.
Thomas H. Ryan
Ms. Marianne Luckey
G. W. Flurett

I presented an extensive explanation of the Justice Department letter in relation to the present situation and a presentation of the data and maps available to accomplish single member districts. After this presentation and the answering of the questions raised, I presented two five-member single member district plans for the purpose of injecting a point of discussion. I then asked for input and questions from the committee and they proceeded to narrow down to the two plans submitted. I am enclosing a copy of each plan and the census narrative for each plan.

It was after this discussion that Mr. G. W. Flurett moved that the committee recommend to the Edgefield County Council that the county council call a second public meeting for the purpose of explaining both plans and the committees recommendations to the citizens of the county, and that the committee go on record as recommending plan 5A as presented. This motion was seconded by Mr. T. C. McCain. After the question was called for by Rev. J. G. Revels, Jr., the motion carried unanimously. The committee also requested that I be present at the next meeting to explain the committees recommendations to the public with the same type of presentation.

Please express my thinks to the members of the committee for their interest and efforts in trying to get a solution to this particular problem. If I can be of further assistance to you, please feel free to call on me.

Sincerely,

s/

BOBBY M. BOWERS
Chief Demographic
Statistics

BMB:mll

Enclosure

cc: The Honorable William Reel, Jr.
The Honorable William E. Knotts, Jr.
The Honorable Gilbert E. McMillan
The Honorable Nikki G. Setzler
The Honorable Tom Turnipseed

EXHIBIT I

Edgefield County - Plan 5A
Single-Member Districts

	ED	Total Population	% Variation	Black Population	% Black
District #1	13	1,369		252	
	14	1,133		964	
	15	501		251	
		3,053	-2.71%	1,467	48.05%
District #2	2	406		277	
	4	1,071		589	
	5	1,154		639	
	6	525		17	
		3,156	+0.57%	1,522	48.22%
District #3	10	362		133	
	11	179		126	
	12	884		693	
	13	905		571	
	16	958		587	
	17	3,288	+4.78%	2,110	64.17%
District #4	8	361		85	
	9A&B	2,722		1,027	
		3,083	-1.75%	1,112	36.07%
District #5	1	1,295		1,001	
	2	846		442	
	7	971		450	
		3,112	-0.83%	1,893	60.83%

Total Variation 7.70%

Division of Research & Statistical Service

Edgefield County - Plan 5B
Single-Member Districts

	ED	Total Population	% Variation	Black Population	% Black
District #1	13	1,369		252	
	14	1,183		964	
	15	501		251	
		3,053	-2.71%	1,467	48.05%
District #2	3	406		277	
	5	1,154		639	
	6	525		17	
	7	971		450	
		3,056	-2.61	1,383	45.25%
District #3	10	352		133	
	11	179		126	
	12	884		693	
	16	905		571	
	17	958		587	
		3,288	+4.78%	2,110	64.17%
District #4	8	361		85	
	9A&B	2,722		1,027	
		3,083	-1.75	1,112	36.07%
District #5	1	1,295		1,001	
	2	846		442	
	4	1,071		589	
		3,212	+2.36	2,032	63.26%

Total Variation 7.70%

Division of Research & Statistical Service

[EXHIBIT J appears, *supra*, at 30.]

EDGEFIELD COUNTY COUNCIL MEETING

APRIL 21, 1980

* * * *

County Attorney Charles W. Coleman advised the Council that on April 17, 1980 United States District Judge Robert F. Chapman gave the following order in the Civil Action No. 74-281 Thomas C. McCain and others v. Charles E. Lybrand and others: "IT IS, THEREFORE, ORDERED that judgment be entered in favor of the plaintiff and that the defendants are hereby enjoined from holding any further elections for Edgefield County Council until a new and constitutional method of electing members to County Council has been adopted pursuant to applicable state law."

"IT IS FURTHER ORDERED that the Court shall maintain jurisdiction of this case during the interim and while the plan is being adopted in accordance with the provisions hereof."

After a considerable amount of discussion, it was the recommendation of the County Attorney and Councilman Herlong that the County Attorney schedule an appointment with Judge Chapman and advise him of the plans recommended to Council by the Citizens Advisory Group and request that he allow us to continue with the same method of election until 1982 at which time the single members district plan will be put into effect utilizing the 1980 census data.

Another alternative would be to appeal the decision of the court to the Fourth Circuit Court of Appeals in Richmond, Virginia.

Section 4-9-10 of the 1976 Code of Laws allows for the County Council to

request the General Assembly to pass a form of government for Edgefield County and/or the legislature can submit the question of form of government in a referendum. Either way, Edgefield County would then have single member districts.

Regardless of the direction taken at this time, Judge Chapman would have to approve the plan.

It was pointed out that the Attorney General's Office probably would not lend any assistance should Council decide to appeal the case. County Attorney Charles W. Coleman stated that a considerable amount of research would have to be carried out and that a research firm could do this for much less than County Attorney Coleman.

A motion was made by Councilman Herlong and seconded by Councilman Williams to have the county attorney schedule a meeting with Judge Chapman and discuss with him the plan of action that has been recommended to the Edgefield County Council by the Citizens Advisory Committee to establish single member districts and request the Judge to allow us to put the plan into effect for the 1982 elections utilizing the 1980 census data in order that we will not have to redistrict twice. Also, to hold a special election for the council members will be expensive.

Motion carried.

EXHIBIT K

* * * *

[Exhibit L appears, *supra*, at 84.]

DSD:DHH:ED:gml
DJ 166-012-3
A7852

NOV 3, 1978

Mr. Charles W. Coleman
Coleman and Herlong
Attorneys at Law
Post Office Box 77
Edgefield, South Carolina 29824

Dear Mr. Coleman:

This is in reference to the implementation of the South Carolina Home Rule Act by Edgefield County, South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on October 5, 1978.

After a preliminary examination of the initial submission, this Department has determined that the information sent is insufficient to enable to the Attorney General to determine that the proposed change does not have the purpose and will not have the effect of abridging the right to vote on account of race.

In order to aid us in evaluatin the submission we would appreciate your providing us with the following information:

1. An explanation of the additional powers and duties that devolve to the Edgefield County Council as a result of home rule implementation. It is our opinion that changes in the functioning of the council constitute a basis for evaluating the form of government and method of election ordained by the Home Rule Act.

2. The population and number or registered voters, by race, in the residency districts used to elect members of the Edgefield County Council. If these figures are available by voting precinct, please supply. In addition, please provide a map of the residency districts.

3. An explanation of any past or pending litigation on the method of election of the Edgefield County Council.

4. The name(s) of blacks who have run for the Edgefield County Council in primary and general elections, the year and the results of those elections. In addition, please supply these figures by voting precinct if they are available.

5. An explanation of whether there was any attempt to conduct a referendum on the form of government in Edgefield County. In addition, please provide the names and telephone number of a few black citizens in the county who would be familiar with the change occasioned by home rule implementation and its effect on the black community.

As you know the Attorney General has 60 days in which to condiser a submission pursuant to Section 5. This 60 day period will commence when this Department receives the information necessary to evaluate properly the change proposed in your submission.

If you have any questions concerning the matters discussed in this letter or if we can aid you in any way to obtain the additional information we have requested, please do not hesitate to call Ms. Elizabeth Dunigan (202) 633-3811 of our staff, who has been assigned to handle this submission. Please refer to File A7852 in any written response to this letter so that your correspondence will be properly channeled.

Sincerely,

DREW. S. DAYS III
Assistant Attorney General
Civil Rights Division

By:

GERALD W. JONES
Chief, Voting Section

cc: Mr. Neil Bradley

EXHIBIT M

* * * *

[EXHIBIT N appears in the Juris. S.A. at 40.]

[Letterhead omitted in printing]

DECEMBER 16, 1980

Gerald W. Jones, Esquire
Chief, Voting Section
United States Department of Justice
Civil Rights Division
Washington, D.C. 20530

RE: Submission Under Voting Rights Act - Act 1104 of 1966 (R1357, H2559). Justice File Number D5564.

Dear Mr. Jones:

I am in receipt of your recent letter in which you requested information as to whether or not the above-cited Act had been submitted to the Justice Department. I have checked my files and do not find a record of a submission on this Act; however, I have talked to Mr. Charles Coleman, Edgefield County Attorney, and he has informed me that he believes this Act was submitted and approved. It is, therefore, possible that the Act was submitted by the county. You may, therefore, wish to contact Mr. Coleman directly regarding this question.

However, this Act is not the governing Act for Edgefield County. In 1971, an act bearing ratification number R722 was enacted which amended the 1966 law in regard to the election districts and the county council. This Act was submitted on July 21, 1971 and approved on November 24, 1971.

Very truly yours,

s/
TREVA G. ASHWORTH
Senior Assistant Attorney
General

TGA:rl

cc: Charles Coleman, Esq.
Laughlin McDonald, Esq.
Armand Derfner, Esq.
Karen L. Henderson, Esq.

EXHIBIT O

JPT:JMC:DH:mab
DJ 166-012-3 Washington, DC 20530
D5564

31 DEC 1980

Charles W. Coleman, Esq.
Edgefield County Attorney
Post Office Box 77
Edgefield, South Carolina 29824

Dear Mr. Coleman:

This is in reference to the status under Section 5 of the Voting Rights Act of 1964, as amended, 42 U.S.C. 1973c, of Act No. 1104 (1966) (R1357, H2559).

In her letter of December 16, 1980, South Carolina Senior Assistant Attorney General Treva G. Ashworth indicated that you believe that this act has been pre-cleared pursuant to Section 5. In order that this question may be resolved, please inform us of the information on which your belief is based.

If you have any questions concerning

this letter, please feel free to call Voting Section Attorney David H. Hunter, [202] 724-7189. Please refer to File No. D5564 in any written response to this letter so that your correspondence will be properly channeled.

Sincerely,

JAMES P. TURNER
Acting Assistant Attorney
General
Civil Rights Division

By:
s/
GERALD W. JONES
Chief, Voting Section

cc: Treva G. Ashworth, Esq.
Karen LeCraft Henderson, Esq.
Laughlin McDonald, Esq.
Armand Derfner, Esq.

EXHIBIT P

EDGEFIELD COUNTY COUNCIL MEETING

OCTOBER 2, 1979

* * * *

Council is in receipt of a correspondence from Mr. T. C. McCain dated September 19, 1979 requesting that council inform him as to what action council has taken or plans to take in reference to the county Citizens Advisory Committee's recommendation as to the method of election in Edgefield County to be approved by the United States Justice Department.

Chairman Lybrand requested County Attorney Charles Coleman to contact the United States Justice Department and discuss with them the rulings in the Horry County and Charleston County cases which are identical to the Edgefield County case. County Attorney Coleman was present and advised the council that he had discussed this matter with a Mr. Tanner, assistant U. S. Attorney in charge of voting rights recently appointed to our South Carolina District. Mr. Tanner did confirm that Edgefield County could not change its form of government or method of election in light of the ruling in Horry County and Charleston County. It would require state legislation in order to change from our present method of election to single member districts. To attempt to make a change without this state legislation would be in violation with existing state laws. If state legislation is passed in the coming year to allow the county to change the method of election, it would probably be in 1982 before the change is made in order to utilize the 1980 census data.

Chairman Lybrand requested that County Attorney Coleman draft a letter to Mr. McCain so advising him that no action can be taken at the present time.

EXHIBIT Q

* * * *

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

Thomas C. McCain, *et al.*, Plaintiffs,	CIVIL ACTION NO. 74-281
v.	
Charles E. Lybrand, et al., Defendants.	AMENDMENT TO STIPULATIONS

The parties by counsel amend their Stipulations dated June 30, 1981, as follows:

STIPULATION NO. 8

After the filing of the Stipulations, counsel learned that Act No. 1042 of 1974 had in fact been submitted to the United States Department of Justice for pre-clearance on or about May 29, 1974, and that that Department by letter dated July 22, 1974, had interposed no objection to its provisions. Therefore, Stipulation No. 8 should read as follows:

8. Act No. 1104 of 1966 was also amended in 1967 (Act No. 55), in 1968 (Act No. 1318) and in 1974 (Act No. 1042). Those acts did not alter the method of election of the Edgefield County Council and, except for Act No. 1042 of 1974, they were not submitted to the United States Department of Justice for pre-clearance or to the United States District Court for the District of Columbia for judicial review. Act No. 1042 of 1974 was submitted to the United States Department of Justice for pre-clearance and that Department interposed no objection to its provisions. Copies of those acts are attached hereto, made a part hereof and designated Exhibit E.

STIPULATION NO. 20

Stipulation No. 20 now begins:

"During May, 1977, ..." It should begin as follows: "During May, 1979, ..."

STIPULATION NO. 24

Stipulation No. 24 does not include the fact that the plaintiffs moved to amend their complaint to challenge the action taken by the Edgefield County Council on April 21, 1980, and during July, 1980. Stipulation No. 24 should read as follows:

24. In the meantime, the plaintiffs moved to amend their complaint to enjoin an alleged "change" under the Voting Rights Act which occurred when the Edgefield County Council decided to ask the Court to reconsider its April 17, 1980, order and not to pursue its motion made on April 21, 1980, to inquire into the implementation of single member election

districts, to require the pre-clearance of Act No. 1104 of 1966 and to enjoin implementation of the objected-to 1976 resolution and ordinance. Allowance to amend was granted in two orders, one entered on November 24, 1980, and the other on January 6, 1981.

STIPULATION NO. 28

Stipulation No. 28 stipulates to the genuineness of the documents listed therein. The exhibit listed as Exhibit Q is not included therein and Exhibit R is designated as Exhibit Q. Those two exhibits should be described as follows:

Q. Edgefield County Council meeting, October 2, 1979, minutes; and

R. Letter to T. C. McCain from H. O. Carter, April 12, 1979. [A copy of Exhibit R is attached hereto.]

In addition, the genuineness of the following documents is stipulated to:

S. Letter dated May 21, 1980, from Laughlin McDonald, to Charles Coleman;

T. Letter dated June 17, 1980, from the Honorable Robert F. Chapman to Laughlin McDonald;

U. Letter dated June 27, 1980, from Laughlin McDonald to the Honorable Robert F. Chapman; and

V. Letter dated July 17, 1980, from Karen LeCraft Henderson to the Honorable Robert F. Chapman.

Stipulated and agreed to this 31st day of July, 1981.

S/
LAUGHLIN McDONALD
Attorney for the
Plaintiffs

S/
KAREN LeCRAFT
HENDERSON
Attorney for the
Defendants

[Letterhead omitted in printing]

April 12, 1979

Mr. T. C. McCain, Chairman
Edgefield County Democratic Party
Route 4 Box 123
North Augusta, SC 29841

Dear Mr. McCain:

As you are aware, the U. S. Justice Department has interposed an objection as to the method of election for electing Council members in Edgefield County. The present method of election is "at large with residency requirement."

On April 4, 1979, the Council conducted a public hearing to inform the citizens of Edgefield County of the objection and to determine the desire of the citizens for submitting an alternate method of election for electing Council members that might be acceptable to the Justice Department.

EXHIBIT R

It appeared to be the concensus of opinion of those present to submit a plan utilizing "Single Member Districts" and appoint a Citizens Advisory Committee to assist in establishing geographic Council Districts.

At the regular Council Meeting on April 9, 1979, the Council voted to pursue, submitting a plan to the Justice Department changing to "Single Member Districts" and to appoint a Citizens Advisory Committee to assist in establishing the geographic Council Districts.

You, as Chairman of the Edgefield County Democratic Party are hereby requested to appoint one citizen from each voting precinct in the County to serve on the Advisory Committee. The Chairman of the Edgefield County Republican Party will be asked to appoint twelve members, one from each precinct also.

Mr. Bobby Bowers, Chief, Office of Demographic Statistics, S.C. Division of Research and Statistical Services, who has access to necessary data, has been asked to assist the County and this committee in establishing these districts.

The first meeting of this Advisory Committee has been scheduled for Tuesday, May 1, 1979 at 7:00 p.m. in the Edgefield County Courthouse.

This is a very serious matter and the Edgefield County Council respectfully request that you appoint and encourage the one member from each precinct to be present at this meeting.

Would very much appreciate your advising the Council Office of the names of the twelve members appointed by you, their address and telephone number in order that we can advise them of future meetings.

If you have any questions, you may contact the County Attorney (637-3194) or the County Administrator (637-5381).

Sincerely,

S/

H. O. Carter
County Administrator

HOC:ms

cc: Senator Knots
Senator McMillan
Senator Setzler
Senator Turnipseed
Representative Reel
Mr. Bobby M. Bowers
Mr. Charles W. Coleman, County Attorney
Mr. Charles E. Lybrand, Chairman
Mr. Eugene Huiett, Sr., Vice-Chairman
Mr. Henry M. Herlong, Jr., Councilman
Mr. James E. Padgett, Councilman
Mr. J. Bland Williams, Councilman

[Letterhead omitted in printing]

May 21, 1980

Mr. Charles Coleman
Attorney at Law
Edgefield, SC 29824

Dear Charles:

We have discussed reapportionment of the Edgefield County Council with our clients and have considered various alternatives. It is our feeling that while enlarging the Council has certain political advantages, given the size of Edgefield and the continuing expense involved in expansion, a five member Council is preferable. We also continue to approve the reapportionment plan recommended by the citizens advisory committee and urge its adoption.

As an alternative, and in the spirit of accommodation, we are willing to

EXHIBIT S

consider a plan utilizing an at-large feature. Specifically, we would be willing to accept a four-one plan dividing the county into four single member districts with the chairman of the commission elected at-large. Election of all seats would be by plurality vote. Such a plan would insure representation for all areas and races in the county and at the same time retain at-large voting to meet possible objections to a pure ward system.

It is my understanding that a five seat plan has already been prepared by Bobby Bowers of the State Reapportionment Office in Columbia. I suspect that Mr. Bowers could draft a 4-1 plan as well. In any case, I would be willing to prepare a plan myself for your consideration.

If we are able to reach an agreement, I suggest that a special primary he held in the early summer so that the general election could be held as scheduled in November.

A new plan conceivably would have to be drawn when the census is available for the 1982 elections, but it may very well be that the changes would be minimal.

I will be happy to come to Edgefield and meet with you and members of the Council if you think that would be helpful. In any case, please let me hear from you as soon as is convenient. I feel obligated to let Judge Chapman know whether we can reach a settlement, or whether to continue with the litigation.

As I told you on the phone, I am hopeful that we can reach an agreement without further expense and delay.

Best wishes.

Sincerely,

Laughlin McDonald
LMcD:msb

cc:
Tom McCain
Armand Derfner
C. Tolbert Goolsby

[Letterhead omitted in printing]

June 17, 1980

Laughlin McDonald, Esq.
ACLU Foundation, Inc.
52 Fairlie Street, NW
Suite 355
Atlanta, GA 30303

RE: Civil Action No. 74-2819
McCain v. Lybrand

Dear Mr. McDonald:

You indicated in your letter of May 29 that you would let me know something by the middle of June. I have not heard anything from the negotiations in this matter and would appreciate it very much if you and the other side could advise me one way or the other about settlement by the first of July. This is an old case and I would like to dispose of it, since it is taking up a lot of room in my filing cabinet.

EXHIBIT T

With best wishes, I remain

Sincerely,

s/

Robert F. Chapman

RFC/nk
CC: C. Tolbert Goolsby, Esq.
Charles W. Coleman, Esq.
Armand Derfner, Esq.

[Letterhead omitted in printing]

June 27, 1980

Hon. Robert F. Chapman
United States District Court
P.O. Box 867
Columbia, SC 29202

RE: McCain v. Lybrand,
Civil Action No. 74-2819

Dear Judge Chapman:

As you may know, Mr. Charles Coleman, Edgefield County attorney, is presently recuperating from heart surgery. I have, however, been in touch with Mr. Henry Herlong, Mr. Coleman's law associate and a member of the Edgefield County Council. Mr. Herlong and I have discussed at some length settlement of this case and reapportionment of the council.

The next Council meeting is scheduled for Tuesday night, July 1, 1980. Mr. Herlong has agreed to have settlement

EXHIBIT U

discussed at that time with an eye to the Council's taking a definite position. We will promptly communicate with the Court concerning the status of this litigation.

I remain hopeful that settlement is a real possibility and appreciate your forebearance.

Sincerely,

Laughlin McDonald
LMcD:msb

cc: Henry Herlong
C. Tolbert Goolsby
Armand Derfner

[Letterhead omitted in printing]

July 17, 1980

Honorable Robert F. Chapman
United States District Judge
Post Office Box 867
Columbia, SC 29202

RE: McCain vs. Lybrand,
Civil Action No. 74-2819

Dear Judge Chapman:

Pursuant to a meeting with the defendant members of the Edgefield County Council, I am writing to advise you that it appears that the matter cannot be settled and that, accordingly, they are requesting that you consider and rule upon their motion to alter, amend or vacate judgment filed on April, 1980, based upon the holding in City of Mobile, Alabama v. Bolden, ____ U.S. ____, 64

EXHIBIT V

L.Ed.2d 47, 100 S.Ct. ____ (1980).

With kind regards,

s/ ______________________
Karen LeCraft Henderson
Senior Assistant Attorney General

KLH/jvh

cc: Laughlin McDonald, Esq.
Charles W. Coleman, Esq.

[Letterhead omitted in printing]

Mr. James H. Quackenbush, Jr.
Assistant Attorney General
State of South Carolina
Post Office Box 11549
Columbia, SC 29211

Dear Mr. Quackenbush:

This is in reference to your letter of July 21, 1971, concerning the Attorney General's approval of 18 Acts you have submitted pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

The Attorney General does not interpose any objections to H2184. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change.

With respect to H2206, it is necessary for the Attorney General, in order to properly fulfill his responsibilities under Section 5, to have sufficient data to determine the possible racial effect of the voting change in question. After a preliminary examination of H2206, it does not appear that we have sufficient information to evaluate the change you have submitted. In this respect, would you kindly assist us by providing maps showing the boundaries of the County Council election districts under the existing statute as well as under H2206. Also, would you please provide population and registration statistics, by race, for the present election districts and the proposed election districts as well as a copy of the election statute now in force. It will also be necessary for us to know the names, and race, of all candidates for County Council in the last two primary and general elections, and the results of these elections by district.

As you know, the Attorney General has a 60-day period to consider enactments submitted pursuant to Section 5. This time period will begin to run when the Department has available the information necessary to evaluate H2206.

We regret the need to request additional information at this late date but, due in part to the amount of material in your submission which had to be examined, it was not possible to complete examination of all the Acts at the same time.

With respect to the other 16 Acts submitted they do not enact "any voting qualification or prerequisite to voting different from that in effect on November 1, 1964" and, therefore, need not have been submitted to the Attorney General for review under Section 5 of the Voting Rights Act of 1965.

Sincerely,

s/
David L. Norman
Assistant Attorney
 General
Civil Rights Division

[Letterhead omitted in printing]

September 14, 1971

CERTIFIED MAIL

Honorable Butler C. Derrick, Jr.
Member, House of Representatives
Edgefield County Legislative Delegation
Box 512
Edgefield, SC 29824

Dear Mr. Derrick:

On the 25th day of June, 1971, the Governor of South Carolina signed into law House Bill H2206, which pertains to an increase in the number of districts and the number of county council members for Edgefield County.

On July 21, 1971, this act was forwarded to the Attorney General of the United States for his study as to the existence of any possible violations of Section 5 of the Voting Rights Act of 1965. On September 14, 1971, this office was contacted by the Department of Justice and requested to furnish additional information which would allow the Department to make final adjudication as to this legislation. The information that is sought by the Justice Department can be most readily provided by the submitting delegation, and this office requests your assistance in providing the answers as expeditiously as possible. The questions asked by the Justice Department were:

1. To provide maps showing the boundaries of the county council election districts under the prior statute as well as under H2206.

2. In Addition, they would like you to provide population and registration certificates, by race, for the present election districts and proposed election disitrcts, as well as a copy of the election statute now in force.

3. It will be necessary to furnish the names and race of all candidates for county council in the last two primary and general elections, and the results of these elections by district.

The South Carolina Attorney General's office would appreciate your immediate response to these inquiries to insure that this legislation is upheld under the provisions of the 1965 Voting Rights Act.

Very truly yours,

s/
James H. Quackenbush, Jr.
Assistant Attorney General

JHQ/mn

September 24, 1971

Samuel Reese, Esquire
United States Department of Justice
Civil Rights Division
Voting and Public Accommodations
 Section
Washington, D.C. 20530

Dear Mr. Reese:

Enclosed is the correspondence from the Edgefield County Delegation concerning the legislation that required further clarification (H2206). I am forwarding this to you singularly in preference to waiting until all the requested information is combined due to the time limit involved.

If I can be of further help, please do not hesitate to contact me at your convenience.

Very truly yours,

s/

James H. Quackenbush, Jr.
Assistant Attorney General

JHQ/mn

enclosures

[Letterhead omitted in printing]

September 21, 1971

James H. Quackenbush, Jr., Esq.
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

In Re: County Council

Dear Mr. Quackenbush:

Thank you for your letter of September 14th. Pursuant to your request, I am pleased to provide you with the following information, to-wit:

1. Please find enclosed maps showing the boundaries of the County Council Election Districts under the prior Statute as well as under H2206.

Population by race for the present proposed election districts is not furnished as the census was not taken by election districts. Registration Certificates by race for the present election districts and proposed election districts are indicated on Exhibits 4, 5 and 6. Copies of the election Statute now in force are shown as Exhibits 7 and 7A.

The names of all candidates for County Council in the last two primary general elections and the results of these elections by district are shown as Exhibits 8 and 8A. In 1968 Charles E. Lybrand ran with no opposition from district No. 1. Roy A. Harling and Eugene Huiet were candidates from district #2. Walter Morgan and Frank E. Timmerman were candidates from district No. 3. In 1970 Charles E. Lybrand and Walter Morgan ran without opposition. Roy A. Harling and Eugene Huiet ran from district No. 2.

Hoping this information is sufficient for your purposes, I am,

Respectfully

s/____________________
Butler C. Derrick, Jr.

BCD/mmw

Encl.

#4

As of August, 1971 -

Total registered 5,749 (a loss of 188)

White 3,564 (loss of 239)

Negro 2,185 (gain of 51)

#5

No. 1	W	C	
Johnston #1	403	380	
Johnston #2	632	95	
Long Branch	88	10	
Central	81	19	
Bacon	60	18	
	1,264	522	(1,786)
No. 2			
Trenton	327	427	
Merriwether	496	116	
Collins	93	9	
Cleveland	63	11	
Red Hill	140	3	
	1,119	566	(1,685)

No. 3	W	C	
Edgefield #1	441	233	
Edgefield #2	540	411	
Kendall	161	27	
Moss	85	58	
Rock Hill	34	152	
Pleasant Lane	61	90	
Meeting Street	98	75	
	1,420	1,046	(2,466)
TOTAL	3,803	2,134	(5,937)

#6.

No. 1	W	C	
Johnston #1	403	380	
Johnston #2	632	95	
Long Branch	88	10	
	1,123	485	(1,608)

No. 2			
Trenton	327	427	
Central	81	19	
Bacon	60	18	
	468	464	(932)

No. 3			
Edgefield #1	441	233	
Edgefield #2	540	411	
	981	644	(1,625)

No. 4	W	C	
Merriwether	496	116	
Collins	93	9	
Cleveland	63	11	
Kendall	161	27	
	813	163	(976)
No. 5			
Red Hill	140	3	
Rock Hill	34	152	
Moss	85	58	
Meeting Street	98	75	
Pleasant Lane	61	90	
	418	378	(796)

Figures are as of February 25, 1971.

[Exhibit #7 appears, _supra_, at 167].

#7A

[STATUTES AT LARGE]

OF SOUTH CAROLINA 2767

GENERAL AND PERMANENT LAWS--1966

(R1357, H2559)

NO. 1104

An Act To Divide Edgefield County Into Districts For Certain Purposes and To Provide A System of County Government For Edgefield County.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Edgefield County divided into three districts.--For the purposes of elections as provided herein and such other elections and purposes as may be provided by law, Edgefield County is divided into three districts as follows:

District No. 1 shall be composed of Johnston No. 1, Johnston No. 2, Long Branch, Central and Bacon precincts.

District No. 2 shall be composed of Trenton, Merriwether, Colliers, Cleveland and Red Hill precincts.

District No. 3 shall be composed of Edgefield No. 1, Edgefield No. 2, Kendall, Moss, Rock Hill, Pleasant Lane and Meeting Street precincts.

SECTION 2. System of government for Edgefield County.--There is hereby created for Edgefield County a system of county government as set forth in this act.

SECTION 3. County council created--members--elections--vacancies--county administrator.--There is hereby created the Edgefield County Council (council) which shall be composed of three members who shall be elected at the same time as the general election in November of 1966 and at each general election thereafter to serve for terms of two years or until their successors are elected and qualify. One member with the largest plurality shall be elected from the county at large from each of the three districts of the county. Any qualified elector in the district may qualify as a candidate for member of the council from that district by filing with the Clerk of Court of Edgefield County on or before twelve o'clock noon, August 15, 1966. Thereafter, candidates shall file and be nominated as candidates are for other county office. Vacancies on the council shall be filled by appointment by the

Governor upon the recommendation of the membership of the House of Representatives from Edgefield County for the unexpired portion of the term only. The council shall employ a county administrator who shall be the administrative officer for the county at such a salary and term as is determined by the council. The council shall require such bond of the county administrator as it deems ad- /27

[Exhibits 8, 8A and 9 omitted in printing].